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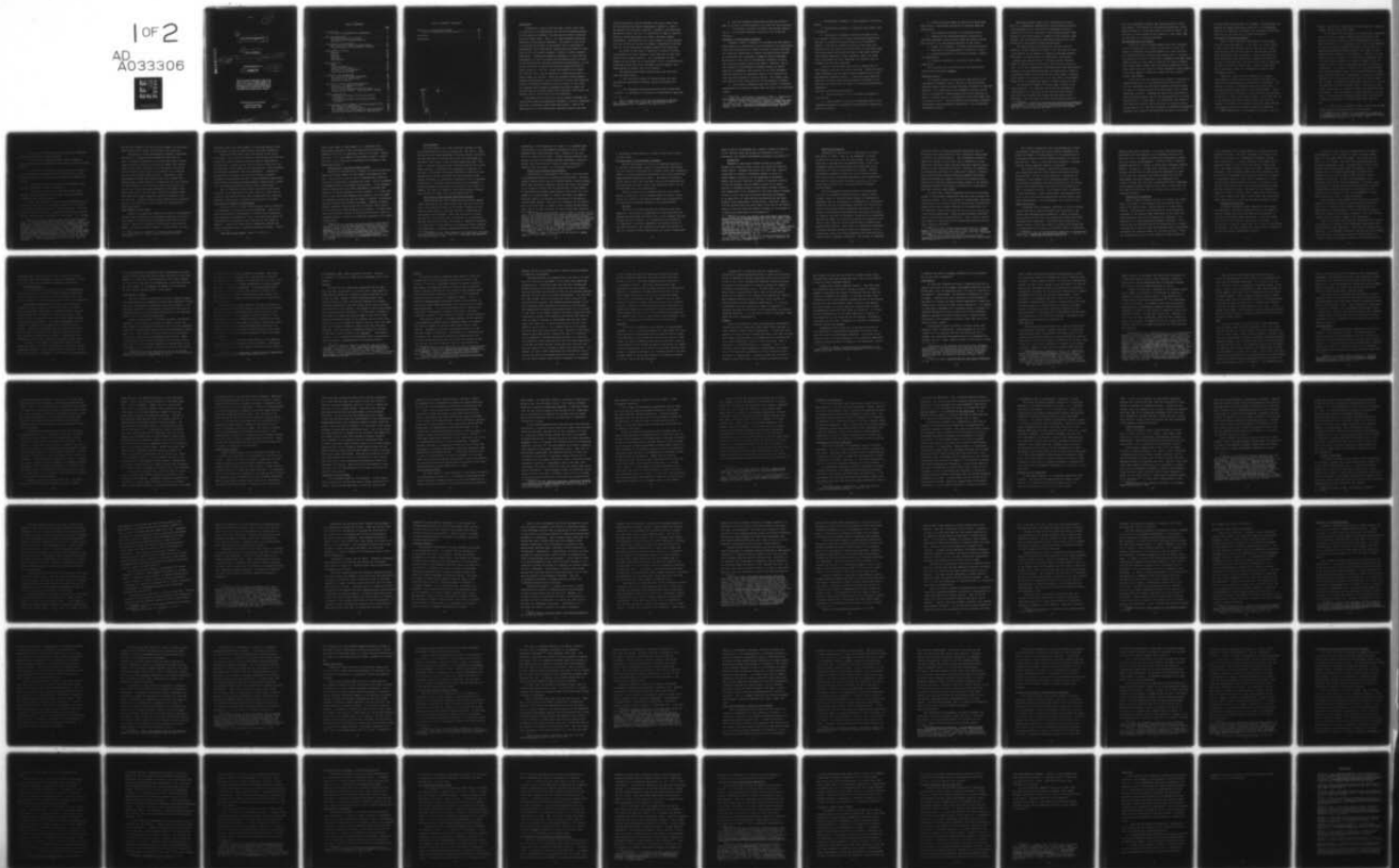
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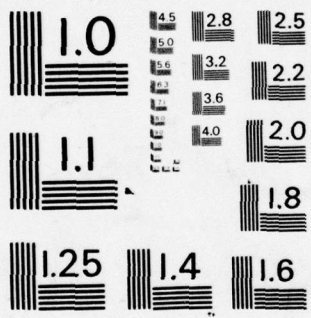
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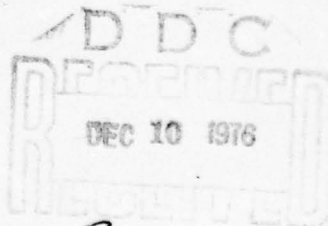
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## INTRODUCTION

Although U.N. politics has been under serious study since the founding of the organization, and the decision-making process, or "parliamentary diplomacy," has been given scholarly attention since the middle 1950s, there is no single adequate description available of parliamentary diplomacy. The purpose of this essay is to provide an overview of the present state of knowledge of parliamentary style multilateral negotiations, particularly as practiced in the U.N. General Assembly or General Assembly-sponsored conferences. Although parliamentary diplomacy is a term that can legitimately be used to describe decision-making within all parts of the United Nations and other multilateral organizations, it will be used here only to describe the decision-making processes of those activities of the U.N. system that operate on the formal one-state/one vote rule for purposes of representation and to a lesser extent for decision. Where the patterns diverge between Assembly and Conference, we will follow most closely the behavioral history of conference diplomacy since the purpose of this essay is to provide the descriptive framework necessary to model the decision process of future multilateral conferences and current conferences such as the UN Law of the Sea Conference.

The method that we will use to bring together knowledge concerning the system of parliamentary diplomacy of the U.N. conference type will be inductive, albeit open and eclectic. Some of the characteristics of the multilateral bargaining process have been

studied extensively, and are therefore well known; others have not and therefore our present knowledge is sketchier. Some of the analytic work has been scientific, systematic, and based upon appropriate theory, much of it is historical or legal in approach, normative rather than analytic in theory, and while useful, unsystematic. Nevertheless, this essay attempts to bring together this mass of material in order to attempt a comprehensive description as a first step toward systematic analysis and theorizing.

Our intent in this essay is heuristic--we hope to discover relationships, we do not intend to state iron laws or state firm propositions alleging causality. As a consequence, we shall examine what we believe to be "attributes" of U.N. type multilateral bargaining, hoping that these attributes will be adequate first approximation of reality, not all of reality.<sup>1</sup>

The materials and insights used in this essay have been drawn from four sources:

1. The existing literature on United Nations and other multilateral organization structure, process and substantive politics.
2. The literature from related social science fields that we believe is applicable to the process of multilateral bargaining.

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<sup>1</sup>For a discussion of this basic epistemological approach see: Ernst B. Haas, "On Systems and International Regimes," World Politics XXVII:2 (January 1975), pp. 151-155.

3. Empirical evidence derived from the data and analysis done in the Law of the Sea Project at the Center for Naval Analyses.

4. The personal experience of project participants concerning U.N. parliamentary diplomacy, and the U.N. Law of the Sea Conference.

#### Attributes of Parliamentary Diplomacy

Although a number of advances in knowledge have been made on understanding the characteristics of parliamentary type negotiations since the pioneering work of former Secretary of State Dean Rusk<sup>2</sup> (in a previous incarnation as scholar) and Judge Phillip Jessup<sup>3</sup>, no recent works have attempted to summarize present knowledge. We have had 20 more years of parliamentary diplomatic activity and study, and an update should prove useful. Moreover, some of the attributes of parliamentary diplomacy thought by earlier analysts as fundamental have proved to be less than permanent; other attributes not as noticeable earlier or not operative at that time have appeared to be more critical. For example, Dean Rusk identified four characteristics of parliamentary diplomacy:

1. Parliamentary diplomacy takes place within a continuing organization with interests broader than the items on any particular agenda;

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<sup>2</sup>Dean Rusk, "Parliamentary Diplomacy--Debate v. Negotiation," World Affairs Interpreter XXVI (Summer 1955), pp. 123-138.

<sup>3</sup>Phillip Jessup, "Parliamentary Diplomacy" Recueil Des Cours 89 (1956), pp. 181-320; "International Negotiations Under Parliamentary Procedure," Lectures on International Law and the United Nations (Ann Arbor: University of Michigan Law School, 1957).



2. Parliamentary diplomacy is "open diplomacy" with public debate;

3. Parliamentary diplomacy is conducted under formal rules of procedure;

4. Parliamentary diplomatic decisions are made by vote. It is evident to observers of current multilateral negotiations that this is a useful but not sufficient list of attributes. Indeed, it also may be somewhat deceiving in that while most decisions are still made by vote, many votes are the formal stage of decision wherein the actual decision is made under different rules, namely consensus, or near-consensus. While the formal rules of procedure are still important, the informal rules of procedure are even more important.

A new list of attributes that tries to capture what we have learned in the last 20 years is necessary. Below are listed eight attributes that describe the major characteristics of the parliamentary diplomatic process. A ninth attribute should be added to describe an additional parliamentary diplomatic attribute when the negotiations are held in a specialized multilateral conference:

#### Attributes of Multilateral Diplomacy

1. "Sovereign Equality" or no fundamental agreement on majority rule.

2. A large number of participants among whom there is considerable variability in preferences and preference orderings as well as attributes.

3. A large and varied number of items on the agenda upon which there is considerable variability in salience among the participants.

4. Group behavior as central to the decision process.

5. Interaction for bargaining purposes carried on by individual diplomats acting on their states and groups, the purpose of which is to form winning coalitions on the issues.

6. Formal decisionmaking by formal collective processes

7. Some parts of the negotiations carried out in public.

8. Institutionalization of the process through a continuing organization.

9. Technical complexity of the subject matter under negotiation.

The remaining sections of this essay will describe and discuss these attributes seriatim.

#### SOVEREIGN EQUALITY

An essential feature of multilateral negotiations of the parliamentary diplomatic type is that all of the participants represent nation-states that share the legal attributes of sovereign equality. As a result there is no fundamental consensus on the right of the majority to make binding rules and no consensus on how far a majority may go in creating rules which have impact upon a minority of states. This distinguishes parliamentary diplomatic negotiations from parliamentary negotiations in the legislatures of democratic states.



Sovereign equality sounds like a contradiction in terms but it is a fundamental characteristic of the political entities that participate in our post-Treaty of Westphalia political system, and in our U.N. subsystem. The sovereign equality often invoked at the United Nations is composed of two different legal notions: the sovereignty of an individual political unit--the nation-state--and equality between nation-states.

The legal notion of sovereignty has certain essential features, the most important of which is the idea that the state is not subject to the control of a higher or external authority. Sovereignty is "characterized by absoluteness, universality, permanence, and indivisibility."<sup>4</sup> Sovereign states therefore cannot be bound by rules to which they have not given their consent. At its most fundamental, sovereignty means that when gathered together at an international meeting, no nation-state is bound by an agreement worked out by the group as a whole unless it specifically consents to be bound. Needless to say, there is no agreement among states in international fora to be bound by majority rule.

The doctrine of equality of states seems to point in the other direction. If a political entity has the attributes of "sovereignty" it is the equal of all other political entities that have that attribute even though they may share no other attributes. They may share no or few other characteristics of,

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<sup>4</sup>Stephen S. Goodspeed, The Nature and Function of International Organization, 2nd Edition (New York: Oxford University Press, 1967) pp. 10-12; D. W. Bowett, The Law of International Institutions (New York: Praeger, 1963, pp. 311-340.

say, size, population, culture, GNP, political power, or military prowess. Nevertheless at international gatherings, states large and small or rich and poor must be treated as equals. The most obvious manifestation of this equality is their equal right to contribute to a collective decision.

#### The One-State/One-Vote Formula

In the U.N. system sovereign equality has been translated into a one-state/one-vote formula for decisions in those U.N. organs or conferences that accept equality as a basic principle. As a result of the one-state/one-vote formula there is considerable pressure to act as if there were a fundamental agreement among states to abide by rules made by a majority of states assembled. The pressure grows stronger each year with the admission of more small, weak states that find it to their advantage to band together to use their numbers to gain policy ends that they could not achieve individually.

In any case, the one-state/one-vote formula is employed for representation, and to a less extent for decision purposes in all U.N. conferences and in General Assembly-related activities. It creates a distorted mirror of the real world in U.N.-related bargaining situations. Although the form of the negotiations is that of seeming equality, not all the participants act as if the participants are in fact equal. Put another way, the problem is that the process appears majoritarian but the underlying basis for decision is not. For those interested in modeling parliamentary diplomacy this presents some significant problems in being able

to predict when decision points are reached. Existing models are adequate for demonstrating when a majority or an overwhelming majority has formed, but not whether the preference collectively expressed will be turned into a collective decision.

#### Consequences of Sovereign Equality

There are three important consequences of this dilemma caused by sovereign equality. First, there is a belief shared by major states that, despite the one-state/one vote formula, their opinion counts for more than one vote and they can base their bargaining on this assumption. Second, that majorities, while they believe they should rule, recognize that they are not alone an adequate basis for decision on issues of importance if there are dissenting major states. Third, in expressing their sovereignty, states act "rationally" to protect their individual interests.

Simply put, despite the one-state/one vote formula, representatives of most major states believe that their vote really counts proportionally to their sense of importance. This feeling is stronger in conferences which are authorized to make collective decisions than in the General Assembly. But in all fora they find it difficult to take seriously the idea that action will be taken without their consent, or even when they are in the minority that their superior assets, used for side-payments or bribes<sup>5</sup> or other forms of leverage, cannot retrieve the situation and create outcomes favorable to themselves.

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<sup>5</sup>For a discussion of side-payments and bribery, see p.33.



However reasonable or unreasonable this may seem, this assumption strongly affects the way they behave.

On the other side, the majority at international conferences and at the General Assembly ardently professes belief in the justice of the basic equality notion and therefore the right to have the majority rule. Each passing year seems to many observers to lead to a greater arrogance of the majority and closer to a rampant majoritarianism without regard to the rights of those states who find themselves in the minority. However, as of the winter of 1976, the majority in international conferences (less so at the General Assembly) has seemed to recognize some constraints in their ability to make decisions which are likely to be effective. To a degree the Group of 77--the organizational unit of the Developing States--seem to have validated the major state assumption that their acquiescence is needed for effective decision by not outvoting the major states on issues of importance to them. The majority of developing states, however, has not in conferences or General Assembly been so forbearing of weak states in the minority. Below are offered some observations on this problem. They are offered as working hypotheses, not iron laws.<sup>6</sup> In parliamentary diplomatic negotiations the following voting rules may apply for the developing states majority:

Do

1. Vote or work to dominate on those issues that are not highly salient to important states in the minority.

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<sup>6</sup>They are also offered in a form familiar to readers of international systems theory. Morton Kaplan, System and Process in International Politics (New York: Wiley, 1957).

2. Vote or work to dominate and defeat allies of important states that are in poor repute with them.

3. Vote or work to defeat important states on symbolic issues where real-world capability is not needed to enforce decision.

Do Not

1. Vote or use a majority to try specifically to punish or require compliance of important states who dissent on an issue, because the majority does not have the capability to enforce the decision.

2. Vote or use a majority on issues that important states consider to be highly salient to themselves.

3. Vote or use a majority on issues which would induce important states to drop out of or sharply limit participation in the collective decision system.

The fact that a nation is sovereign and independent does not necessarily mean that its decisionmakers always act on the basis of a rationally conceived notion of national interest. Often such national interest is seen as a composite of the physical, economic, political and ideological attributes of that state.<sup>7</sup> It is assumed

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<sup>7</sup>This is one form of the well known "means-ends" rationality model. As Sidney Verba has shown there are at least six major reasons why "though individuals do calculate advantages when making decisions, the method of calculation is quite different from that postulated in the means-ends rationality model." "Assumptions of Rationality and Nonrationality in Models of the International System," World Politics XIV (October 1961), reprinted in The International System: Theoretical Essays, Klaus Knorr and Sidney Verba (eds.) (Princeton: Princeton University Press, 1961), pp. 106-117, for another critique of the classical theory see James G. March and Herbert A. Simon, Organizations (New York: Wiley, 1958), pp. 137-141.

that they are knowable, and that the decisionmaker can and always should choose policy options which further those interests.

Observation of actual parliamentary diplomatic bargaining and empirical testing of such a hypothesis would deny its truth. Although statesmen are for the most part aware of their "hard" interests (reflected in the policy options they choose), there are too many exceptions to this "measurable interest as rational choice" thesis to make it scientific law or anything more than very general guide to policy. Nevertheless, some governmental officials are surprised when they estimate that another country should behave in a certain way--one that protects its hard interests--and it does not choose to act that way at all; or if a country with good research and intelligence capability knows what is in the "true" interest of another country that that other country should necessarily be expected to act out that role. Clearly we need a better definition of rationality before we can effectively use the concept for analyzing real-world bargaining.<sup>8</sup>

#### LARGE NUMBER OF PARTICIPANTS

Probably the single most important attribute of parliamentary diplomacy that influences its parliamentary character is the very large number of states who are simultaneous participants in the process. They are all entitled to participate in the decision-making. Obviously they must interact. At the present time over

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<sup>8</sup>This problem is related to a similar concern, namely: can social scientists predict a state's behavior from its "attributes"?



150 nation-states are either members of the United Nations system or are usually invited to United Nations-sponsored conferences.

Delegations from some of the participating states can be quite large. There can be in excess of 1,000 persons with official credentials trying to bargain with each other at approximately the same time. In fact, at the Caracas session of the Law of the Sea Conference in the summer of 1973 approximately 1,450 individuals held official credentials from their governments. Journalists estimated that at Caracas the accredited national delegates, accredited representatives of other intergovernmental organizations and accredited international nongovernmental organizations, journalists, and unofficial observers totaled about 5,000 persons.<sup>9</sup>

Thus, in addition to those who are entitled to participate officially in the decisions to be made, there is a whole host of persons at the conference site, many of whom wish to be consulted and heard, and who hope to influence the decisions to be made.

#### Four Effects of Numbers of Participants

The very size of the body of participants heavily influences the development of the process of decision-making. There are at least four effects of large numbers of nation-states represented and individuals participating. First, size alone necessitates the development of a legislative-type structure for the conduct of business. Second, size alone causes coordination problems and forces inordinate delays in achieving acceptable outcomes. Third,

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<sup>9</sup>The Wall Street Journal, August 27, 1974, p. 1.

with a large number of participants, it is difficult for a participating diplomat to know and understand the preference orderings of all of the significant players in the game. Fourth, and finally, the large number of participants usually is associated with a great diversity of preferences for outcomes to the bargaining process.<sup>10</sup>

#### The Need for a Legislative Type Structure

Legislative structures are a response to collective decision-making where large numbers of participants are gathered at one site. If all wish to talk at once or simultaneously submit proposals for consideration, confusion will reign. Rules of procedure to establish order and precedence are necessary. If all delegates tried to bargain with each other individually, available time would run out before agreements could be reached. It is more efficient to put like-minded delegates into groups so that the number of substantive points that must be argued is reduced. The bargaining then can take place between the groups. Normally we expect quicker agreement between groups that are making similar points or that share some common attitudes or attributes. In other words, there are efficiency reasons to form political parties, blocs, or caucusing groups, as well as for expecting coalitions to be created between them.

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<sup>10</sup>Most of these concerns were understood by traditionalist diplomats critical of the multilateral bargaining process, as well as by modern students of bargaining. See Harold Nicholson Diplomacy 3rd Ed. (New York: Oxford University Press, 1964); Harold Nicholson The Evolution of Diplomacy (New York: Collier, 1962); Jack Sawyer and Harold Guetzkow, "Bargaining and Negotiation in International Relations," International Behavior, H. C. Kelman (ed.), (New York: Holt, Rinehart & Winston, 1965) pp. 493-495.



### Slow Procedure

Size also results in a slow, laborious procedure so that all can participate and not be swallowed up. The fear of being left out pervades large gatherings of decision-makers and fosters reliance upon devices to allow all or most all participants to have their "fair share" of the available bargaining time. Thus there is often an insistence upon sufficient time for all to give formal speeches, a preference for bargaining in committees of the whole, a reluctance to delegate authority to units not fully representative, and an insistence that the bargaining groups operate internally by "democratic" procedures if not by consensus. Coordination is therefore difficult despite the development of bargaining groups, and decisions are arrived at very slowly. In summary, the larger the number of those participating in making the decision, the higher the decision-making costs.<sup>11</sup>

### Difficulty in Understanding Preference Orderings

Understanding what other delegations want and how comparatively important are the various goals they seek when there are also a large number of issues on the agenda (a subject we will discuss in more detail in the next section) is compounded by a large number of participants. What they will stick to firmly, and what they will bargain away is difficult for an individual opposing negotiator to judge; the problem is compounded enormously if a negotiator is faced with up to 149 opposing (and/or cooperating) negotiators. Assuming a negotiation wherein 150 states are

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<sup>11</sup>Giovanni Sartori, "Will Democracy Kill Democracy? Decision-Making by Majorities and by Committees," Government and Opposition 10:2 (Spring 1975), p. 135.

represented, with an agenda of 100 issues, it is incumbent upon a participant in this parliamentary diplomatic session to know something about 15,000 decision cells. However, in the real world the problem may be worse. Fifteen thousand decision cells presumes unified states without internal dissonance in decision. However, this "billiard ball" theory of state interaction so simplifies the world that it is essentially incorrect.<sup>12</sup>

#### Diversity of Interests and Attributes

Large numbers of participants also usually bring with them a corresponding diversity of interests and attributes. The more separate interests that must be satisfied beyond a certain minimum number that encourages tradeoffs, the more difficulty there might be in arranging outcomes that are satisfactory to large numbers of individual participants, particularly if the issues are to be judged in a single package.<sup>13</sup> Indeed, the larger the number of different demands, the greater the possibility of discovering irreconcilable demands. Not only is it difficult for the participants to discover what is common to their maximum outcome preferences, but it is often necessary for them to make many exceptions

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<sup>12</sup>It is denied, in particular, by two schools of modern scholarship: 1) the bureaucratic politics analysts who evaluate the internal politics of external decisions and 2) the transnational relations scholars who discern alliances and coalitions developing on functional problems that transcend state boundaries. See, for example, Graham T. Allison and Morton H. Halperin "Bureaucratic Politics: A Paradigm and Some Policy Implications," Theory and Policy in International Relations, R. Tanter and R. H. Ullman (eds.), (Princeton: Princeton University Press 1972), pp. 40-79; Robert O. Keohane and Joseph H. Nye, "Transgovernmental Relations and International Organizations," World Politics XXVII; 1 October 1974), pp. 39-62.

<sup>13</sup>Joseph B. Kadane, "On Division of the Question," Public Choice XIII (Fall 1972), pp. 47-54.

to the general outcome agreed to in order to take care of idiosyncratic needs.

#### The Participants in Parliamentary Diplomacy

Who the participants are is also an important question to be examined in developing a profile of multilateral negotiations. They are primarily representatives of nation-states, and secondarily, members of intergovernmental organizations (IGOs) and international nongovernmental organizations (NGOs). Who typically represents various nation-states IGOs, and NGOs, how they are organized, and what behavioral attributes affect the negotiating process can be inferred from their basic organization.

States typically have a Permanent Mission to the United Nations in New York or to its European Office in Geneva, a delegation to a session of the General Assembly, and a delegation to the specialized conferences managed by the United Nations.

#### Missions

Missions to the United Nations are structured much like embassies. The mission is responsible on a year-round basis for managing the full range of business that a state conducts with and through the United Nations. Its organization is hierarchical. Its leadership is typically supplied by the foreign service of the state concerned. The individuals who staff the missions to the U.N., because of their tenure on the job, tend to become quite



expert in the art of managing their country's affairs in the hall of U.N. decision rooms and through the labyrinth of the U.N. bureaucracy; they become "parliamentary diplomacy" specialists.<sup>14</sup>

#### Delegations

Delegates to each annual General Assembly are usually brought in to represent their country only during the life of a single session. Although some return year after year, there is a good deal of turnover in delegation members as well as a greater degree of diversity in the background of delegation members and advisors than that of members of permanent missions. In fact the permanent mission members usually act as expert advisors to delegation members during General Assembly sessions. Often appointment to the delegation to the Annual General Assembly session is used, especially by Western democratic governments, as an opportunity to coopt national parliamentarians and other notables in the government's foreign policy. Obviously, experts from the foreign office and other experts from home on the diverse subjects discussed before the General Assembly are also brought in to make up the membership of the delegation.<sup>15</sup>

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<sup>14</sup>Arnold Beichman, The "Other" State Department--The United States Mission to the United Nations (New York: Basic Books, 1968); Richard F. Pederson, "National Representation in the United Nations, International Organization 15 (1961), pp. 256-266; John D. Hadwen and John Kaufmann, How United Nations Decisions Are Made, 2nd Rev. Ed., New York: Oceana 1962, pp. 26-55; John MacVane, "Embassy Extraordinary: The U.S. Mission to the United Nations," Public Affairs Pamphlet No. 311, 1961; Ben T. Moore, "American Representation to International and Multilateral Organizations." The Representation of the United States Abroad, Rev. Ed., V. M. Barnett, Sr. (ed.) (New York: Praeger 1965), pp. 184-223.

<sup>15</sup>Peter R. Baehr, "The Role of a National Delegation in the General Assembly," Occasional Paper No. 9, Carnegie Endowment for International Peace, December 1970.

### Conference Delegations

Delegations to specialized U.N. conferences are usually more ad hoc in nature. That is, the delegation is usually assembled from personnel from the home capital. Its policy direction is centered there and therefore there is less of an independent input from the missions even though many of the conferences are held in either New York or Geneva. However, parliamentary diplomatic specialists can be--and are--drawn from the missions or from among diplomats in the foreign office with previous parliamentary diplomatic experience, but they rarely play a central role in developed states conference decision making.

One very important difference between the delegations sent to U.N.-sponsored conferences and to a typical General Assembly session is the much greater number of departments of government that are represented on a delegation to a specialized conference, and the correspondingly different role that must be played by the foreign affairs department representatives. The broader the departmental representation, the greater the variety of interests that must be fostered or protected by the delegation. The more the number of interests the greater the possibility that some of these interests can be protected only by diametrically opposed policy options. Thus, there is a substantial possibility of visible internal dissonance within the delegation. This is particularly true of the large delegations that developed states tend to send to technical conferences. The problem is compounded

by the fact that in recent multilateral negotiations many of the major states have attached to their delegations large groups of official and private advisors. Not infrequently delegation members are unable to settle their policy differences at home before the conference begins and they bring these domestic policy quarrels to the international arena.<sup>16</sup> Instances of infighting at multilateral conferences are growing more frequent. Quarrels have surfaced between official delegation members and advisory groups and between one segment of an official delegation plus a portion of the advisory group and another segment of the official delegation (usually representing a different set of departments) plus their advisory group members.

In recent years, another phenomenon has become increasingly evident in multilateral negotiations that have both technical and political content. This is the growth of transnational "alliances" between persons of the same technical outlook across national delegations which seek to impose solutions to the negotiations that are technically satisfactory and which avoid politicizing the substance of the negotiations. These alliances between technicians serve to defeat their political masters. This is what is said to have happened on questions of the international allocation of the radio frequency spectrum.<sup>17</sup>

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<sup>16</sup>Ann L. Hollick, "Seabeds Make Strange Politics," Foreign Policy 9 (Winter 1972-73), pp. 148-170; Ann L. Hollick, "United States and Canadian Policy Processes in Law of the Sea," San Diego Law Review 12:3 (April 1975), pp. 535-543.

<sup>17</sup>Ronald Coase, William H. Meckling and Jora Minasian, Problems of Radio Frequency Allocation, RM 3598-NASA (Santa Barbara: Rand, 1963), p. 63.



The disunity displayed by some large delegations at major international conferences had lead to another phenomenon--the growth of diplomat as "inside-dopester" in the manipulation of an opposing delegate's internal delegation politics as well as home politics. This is a role that can be played by a diplomat familiar with an opponent's domestic situation.<sup>18</sup>

The presence of multiple, conflicting interests within large delegations make the job of head of delegation that much more difficult. He must not only physically coordinate the movements of large numbers of his delegation members, he must also attempt to coordinate the policy preferences of the various agencies and interest groups represented on the delegation so that a reasonably consistent, if not united, front is presented to other delegations. And he often cannot even guarantee that, as he is only one person and negotiations on many subjects take place simultaneously. Far from dominant, he is often, at best, primus inter pares.

Developing state delegations contribute to the size problem because there are so many developing states represented. But because each Developing State delegation is small, Developing States suffer far less from the coordination problems that affect Developed State delegations. Developing State delegations are smaller because of the great expense in sending large delegations to conferences and the scarcity of technical experts on almost any

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<sup>18</sup>David A. Kay, "Intergovernmental Dimensions of International Conferences," Law of the Sea: Caracas and Beyond, F. T. Christy, Jr., et al. (eds.) (Cambridge: Ballinger, 1975), p. 97.

subject within their societies. As a result, they tend to rely more heavily for representation on the diplomats they have stationed at major U.N. centers to staff their delegations at conferences with widely varying agendas. Developing States' different personnel practices is a factor in giving them a different behavior profile. It tends to: 1) make their outlook as to what is the national interest they are protecting more homogeneous; 2) make it rare that they contradict each other because there are not large numbers from each delegation at the conference site; 3) make it likely that they will be undertrained and not knowledgeable on highly technical subjects and 4) make it likely that they will look at the problems they are dealing with as political, not technical problems.

#### Leadership of Delegations

Often at General Assembly sessions, or at major U.N. conferences, the leaders of the delegation for the first few days or weeks is the head of state, foreign minister, or other senior official. But beyond this initial period of demonstrating the importance of the problems under negotiation by the states that send prestigious officials, the question of leadership is an important one in understanding parliamentary diplomacy. For a long session the operative head of the delegation must be responsible for the visible decisions the delegation makes--the proposals introduced, the bargains worked out, the votes recorded. To do his job properly he must not only manage his human resources at



at the conference site, but also manage his relations with his superiors back home. The public importance or prestige of the head of the delegation to parliamentary diplomatic sessions varies considerably. A critical question is the degree of the delegation leader's access to the top political leaders back home. Not enough is known to discern a pattern. Examples vary enormously. Some delegation leaders have the confidence of the head of state or government and need only pick up the telephone to communicate directly. Others have to communicate by cable via the foreign office and must wait until the problem is considered by the usual processes of the home bureaucracies before they feel capable of acting. Some heads of U.N. delegations expect to be able to provide a policy input before instructions are issued--indeed, some expect to write their own instructions--others expect merely to carry out the duties assigned to them.

#### Diplomatic Instructions

A standard diplomatic control mechanism is the issuance of instructions. Generally speaking these state the degree of decision freedom possessed by the head of the delegation in relation to the problem under negotiation. It has been noted that there are three types of instructional situations: 1) no instructions, 2) general instructions, and 3) specific and binding instructions. But again insufficient evidence does not permit us to show statistically demonstrable patterns.

In the first case, there are instances where the head of the delegation is free to choose his course of action without even advice from home, much less orders. The reasons can vary widely for this freedom. The head of the delegation might be the head of government, state or foreign office or have a close personal relationship with the head of government, state, or foreign office. The problem being dealt with might not be regarded at home as being worthy of home officials' time in preparing instructions. In some cases governments of new developing states do not have the diplomatic or technical personnel back home to prepare useful instructions and quite sensibly conclude that the man on the spot at the conference or U.N. session will do a better job if he is unincumbered by requirements based on no, false, or dated information.

More frequent is the situation where the head of the delegation is instructed to push in a particular policy direction and is free to choose the best method of achieving the end specified by his foreign office. Only if the head of the delegation must abandon an objective, or appear to do so for tactical reasons, must he ask for a change in his instructions.

Some states prepare quite detailed instructions that require the delegation to conform to the requirements developed at home on the problems under negotiation. But within this general category there is considerable variation on the question of how binding the instructions are and how willing the foreign office is to listen to requests for change or advice on the problem from the

delegation head. In any case, the need to consult the authorities back home before agreeing to a possible compromise is often a source of delay in successfully concluding a negotiation.

#### NGO Participation

A few words must be said about the role of nongovernmental organizations at U.N. meetings (intergovernmental organizations will be discussed in the section on the secretariat) since they add to the number of parties trying to participate in the bargaining.

Nongovernment organizations are given status before the Economic and Social Council by Article 71 of the U.N. Charter. They are frequently looked upon as a valuable resource which can provide needed data or expertise. They are not always a mere passive source of information but, like official lobbying groups before domestic legislatures or executive departments, they try actively to influence the outcome of the collective decision process. Indeed, the traditional NGOs are joined today at most U.N. sessions and conferences by national liberation movements which have been accorded observer status. Clearly they are in attendance to foster their interests as potential future states.

In terms of sheer numbers and political boldness, these groups have added a new layer of complexity to an already complex bargaining situation. At the Caracas session of the U.N. Law of the Sea Conference in the summer of 1974, there were representatives



of 12 national liberation movements and 42 nongovernmental organizations who had credentials which allowed them access to the floor. Moreover, at least one of them attempted to put a major proposal to the assembled body for its consideration, a privilege reserved for state members.<sup>19</sup> We probably can expect to see even more of such vigorous lobbying efforts in the future.

#### LARGE NUMBER OF ISSUES

The type of politics we observe at the U.N. General Assembly or at specialized U.N. Conferences would be quite different if there were not a large number of different issues on the agenda, a considerable variability in the preferred solution for each issue by each participant, and a considerable variability in the importance between issues by different participants.

Number, a great variety of preferred outcomes, and varying importance of and between issues must go together (often with large numbers of participants) to make up one of the most important attributes of multilateral negotiations of the parliamentary diplomatic type. Large numbers of issues alone will not necessarily create ripe conditions for parliamentary type behavior. Where all participants agree on the substance of the solution or where all of the issues are of equal importance or unimportance to the participants, it is possible to decide the issues on their merits,

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<sup>19</sup>United Nations Third Conference on the Law of the Sea, First Committee, Provisional Summary Record of the Twelfth Meeting (A/CONF. 62/C.1/SR.12) 7 August 1974, p. 12-13.

in order, perhaps, of their listing on the agenda. This would be obvious if the participants all, even initially, preferred the same outcome. In addition, if solutions for all of the issues are equally important or equally unimportant to all participants there still could be no bargaining. If no participant prefers acceptable solutions on one or some issues over others, or is not indifferent to perhaps a third portion of the issues, then that person does not negotiate but participates in a purely intellectual exercise.

Bargaining by definition requires "strategic interaction." That is, the negotiator makes choices in the light of his estimate of what other participating negotiators might do, who in turn act in the light of their estimate of what he might do.<sup>20</sup> The large number of issues, different preferred solutions, and their varying importance set the stage for strategic interaction within a large formal collective decision-making body because of the availability of issues to trade and the existence of some issues the solutions of which are more meaningful to some participants than others.

There are five observable characteristics of parliamentary interaction that flow from this pair of attributes. Description of them is aided by borrowing concepts from the positive theories

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<sup>20</sup>Oran R. Young, Bargaining: Formal Theories of Negotiation (Urbana: University of Illinois Press, 1975), p. 6.

of bargaining, games, and/or collective decision. They are:  
1) salience, 2) utility, 3) trade-off, 4) packaging, and 5) side payments.

#### Salience

Any observer of a large-scale negotiation can see that, where possible, delegations to a session with a large number of items upon the agenda try to express a policy preference on all or most of them. However, further observation makes clear, often by the way in which they express themselves or interact with other negotiators, that they usually do not value solutions on all of these issues equally. They emphasize some of the matters under negotiation more than others. In other words, although if all things were equal they would be happy to have their stated maximum preferred positions as the solutions on each issue, they do not act as if all things are equal in the real world, and therefore act to promote solutions to those issues they think most important. This valuation or comparative measure of intensity or importance between issues we call salience.<sup>21</sup> Knowledge of salience is to a negotiator the beginning point in negotiations, and to an analyst a beginning point of bargaining analysis.

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<sup>21</sup>On the problem of "Equality, Diversity and Intensity," see Chapter 4 of Robert A. Dahl, A Preface to Democratic Theory (Chicago: University of Chicago Press, 1956), pp. 90-123; For a discussion of intensity as it applies to measuring behavior in the General Assembly see Hayward R. Alker, Jr., and Bruce M. Russell, World Politics in the General Assembly (New Haven: Yale University Press, 1965) pp. 191-217.

## Utility

By utility we mean a valuation scheme whereby a person can evaluate the worth of any prospect with which he (she) is confronted.<sup>22</sup> The term is frequently employed in economic analysis, game theory, and bargaining theory to denote either or both the payoff (objective utility) for any action and the pleasure associated with the payoff (subjective utility).<sup>23</sup> In the bargaining literature utility is used as a comparative notion. It is a measure of how much more a particular outcome is preferred by an actor to all other potential outcomes on an issue or set of issues under negotiation. It can be operationalized by "rank(ing) all events under consideration according to the value...an actor... attributes to them".<sup>24</sup> This ordering is called a "utility function".

The notion of utility is extremely valuable for the analysis of parliamentary diplomacy even if diplomats might not recognize the term (as compared to several related ideas which we shall discuss). Diplomats are actually calculating utilities all the time they engage in bargaining. They usually do so informally and unquantitatively. Despite not being able to gauge utility with precision, negotiators know that it is vital to estimate how much they can get, how much an opponent might give up and when any

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<sup>22</sup>Martin Shubik, "Game Theory and the Study of Social Behavior: An Introductory Exposition," Game Theory and Related Approaches to Social Behavior, edited by M. Shubik (New York: Wiley, 1964), p. 14.

<sup>23</sup>Otomar S. Bartos, Process and Outcome of Negotiations, New York: Columbia University Press, 1974, p. 41.

<sup>24</sup>Abram De Swaan, Coalition Theories and Cabinet Formations (San Francisco: Gossey-Bass, 1973), p. 20.



proposal crosses the invisible barrier between barely acceptable to completely unacceptable.

Although informal, and unquantitative, the process of calculation of utilities by diplomats is not without some underlying systematization. Negotiators know well what their maximum preferred positions are on the major issues and they can estimate--based on experience and interaction--what are the maximum preferred positions on those issues of friends and opponents. But they must go a step further and try to discern how close or how far away from the perfect solution (the maximum preferred outcome) is any policy proposal under negotiation to each party, and therefore how comparatively acceptable that proposal would be as an outcome. At some point in the ranking scheme of how much a negotiator likes a particular solution, that negotiator must decide that some outcomes or range of outcomes is unacceptable and that they would prefer the status quo. At that point they will exercise their option to say or vote no. It is usually not easy to calculate precisely where that cut-off point lies. Obviously if the policy proposal under negotiation is exactly the same as a diplomat's (or his opponent's) maximum preferred position, it is easy for the negotiator to know that the policy position under negotiation is the most desirable outcome for the party(ies) concerned and would be judged by him (or them) as having very high utility. If, however, the policy under negotiation was substantively close to but not the same as the maximum preferred position, it is likely that our ideal diplomat would probably recommend its acceptance



as the outcome and judge that outcome as having fairly high utility, (although negotiators have and at times used their option to reject all but their maximum preferred position as an acceptable outcome). But if the policy position under negotiation is substantively different from but not diametrically opposed to a negotiator's maximum preferred position, a negotiator might or might not view it as not having high enough utility to be an acceptable outcome. Whether or not he would exercise his option to choose the status quo will be a difficult decision. Finally, if the policy position under negotiation is diametrically opposed to a negotiator's preferred position, that solution would have low utility, and our hypothetical negotiator very probably would reject it and decide to vote negatively. Here there is no question of his preference for the status quo.

#### Trade-Off

The notion of trade-off is very familiar to parliamentary diplomats. It is a direct consequence of a large number of issues under negotiation simultaneously and the great variability among the participants on the salience of each of these issues to them. Indeed, the idea of promoting trade-offs was explicitly stated by representatives of the developing countries during the U.N. Seabed Committee negotiations as the reason for rejecting a United States proposal to negotiate separately (in "separate packets") the indigestible number of issues that finally were negotiated together at the U.N. Law of the Sea Conference.

"Trading-Off" is a decision made by a negotiator to sacrifice his maximum preferred position on issues of low salience to him in deference to another negotiator, who on that issue, has a high salience and a substantively different preferred solution. The purpose of trading-off is to extract a promise of support on a problem of high salience to you. In other words, it is the direct price a negotiator may have to pay on the substantive issues of low salience to his country if he believes his country's most preferred positions are not the most likely outcomes in order to achieve his most important objective(s). It is an aid to reaching a decision (limiting the number of opponents to a solution) when many of the parties to the negotiation are pursuing different objectives. It is one of the "costs" of deciding a large number of issues simultaneously.

#### Packages

While large numbers of issues and negotiators and different saliences do lead to trade-offs, deals being offered and made, it often requires a higher level of aggregation. 150 persons representing 150 states trying to arrange individual trade-offs with each other create a problem that is so complex and time-consuming that it is wholly impractical to try it in the real world. What is required as a simplifying device is a "package." That is, a collection into a single document or limited number of documents of a set of trade-offs satisfactory to all of the major groups of states to a negotiation. A package presumes the existence of groups of states that share or have similar preferred positions

and saliences so that they can decide as a group on what issues they must have favorable outcomes and what issues they can afford to have less than favorable outcomes.

Packages have another important property. They help avoid the problem of cyclic decision or cyclical voting.<sup>25</sup> Without a package, a negotiator must always be concerned with the order the issues in a trade-off are decided. If the high salience issues on which he insists upon favorable outcomes are put to the decision process after the high salience issues of those on the opposite end of the trade-off, he must always be concerned that he might be abandoned by them after their needs are satisfied. As a result he has an incentive--as do all other negotiators--to decide or vote negatively on all issues but his own favorite, resulting in no majority on any issue. Packaging, by requiring a simultaneous decision, avoids this dilemma.

Packaging and the reasons for it are widely perceived by the negotiators at multilateral negotiations as central to any hope for success in parliamentary diplomacy. The outcome of the Third U.N. Law of the Sea Conference is very explicitly understood by most of the participants as hanging on the negotiators' ability

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<sup>25</sup>Joseph B. Kadane, "On Division of the Question," p. 47; Anthony Downs, The Economic Theory of Democracy (New York: Harper, 1957), pp. 55-57.



to identify and refine a package acceptable to all or virtually all of the states assembled.<sup>26</sup>

#### Side-Payments

If trade-offs indicate the "price" a negotiator must pay in terms of the issues on the agenda, side-payments describe the price he may have to pay for bargaining success in terms of items not on the agenda.<sup>27</sup> Side-payments are additional inducements to cement a bargain. Sometimes they can be promises of future support by one party on a subject not under current negotiation in return for support for an item that is under current negotiation. For example, it would not be improbable for a developed country to promote its preferred outcome on an issue on the Law of the Sea Conference agenda by agreeing with Black African states to take positions the Africans find acceptable on colonial issues that are on the General Assembly agenda.

Side-payments can also be bribes of various sorts; cash payments; offers of foreign aid. While delegates to U.N. proceedings are less familiar with this term than trade-off or package, they understand the actual practice of exchanging side-payments very well indeed. Public accounts of the General Assembly

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<sup>26</sup>Statement by the Honorable John Norton Moore, Chairman, NSC Interagency Task Force on the Law of the Sea, Deputy Special Representative of the President for the Conference on the Law of the Sea and United States Representative to the Third United National Conference on the Law of the Sea, before the Senate Commerce Committee, The National Ocean Policy Study, June 3, 1975, p. 6.

<sup>27</sup>Abram De Swann, Coalition Theories and Cabinet Formations, p. 101.

votes in which the Palestine Liberation Organization was given U.N. status and Zionism was condemned as a racist creed were full of reports--however vague on details--of Arab states offering cash payments to those states willing to vote with them.<sup>28</sup> An earlier stage of the same debate provides an illustration of a possible side-payment of support for an item on the agenda given as payment for support for an item off that particular agenda. It was reported by U.S. diplomats that Chile "sold" its vote on the preliminary consideration of Zionism as racism issue to the Arabs for Arab support for a Chilean effort to prevent its alleged torture of political prisoners from being considered by the United Nations.<sup>29</sup> Consistent data on side-payments and how prevalent the practice is are difficult to gather. Nevertheless the phenomenon exists and must be accounted for.

#### GROUP BEHAVIOR

Group organization and behavior are central to the process of parliamentary diplomacy. Without some form of centralizing organizational effort, parliamentary life would consist of all authorized participants moving in as many directions as there are participants. Very little would be accomplished if the 150+ states of the U.N. system tried individually to promote their separate interests. Groups of states had to be formed, based upon some

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<sup>28</sup>Washington Post, November 11, 1975, p. A1; "Washington Whispers," U.S. News and World Report, December 1, 1975, p. 10. From a former top U.S. representative at the United Nations: "I know 30 delegates who will change their country's vote for a blonde, a case of Scotch, or \$5,000. Those representing the 'third world' countries don't get much money from home, so it's the 'freebies' that make being Ambassador to the U.N. worthwhile."

<sup>29</sup>New York Times, October 10, 1975, p. 1.

common interests or attributes that would allow the pursuit of a more limited number of goals (those shared by a number of participants) and the negotiating away of differences between that group of states and opposing groups of states.

A number of years ago a specialist in U.N. politics stated that it would be an "exercise in frustration to construct a concept of a political party system..." that would fit U.N. politics and find professional acceptance.<sup>30</sup> That observation is still valid today. In a number of ways the group patterns characteristic of parliamentary diplomacy resemble parties in legislatures familiar to the student of legislative politics in democratic systems. In other ways they do not. Therefore, we will still call these aggregations groups if only, because as a result of sovereignty, the members of the U.N. groups claim the ultimate right not to be bound by group acts to which they have not consented.

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<sup>30</sup>Thomas Hovet, Jr., "Political Parties in the United Nations," prepared for delivery at the 1962 Annual Meeting of the American Political Science Association, September 1962. Other works in addition to those cited earlier useful in preparing this section were: Thomas Hovet, Jr., Bloc Politics in the United Nations (Cambridge: Harvard University Press, 1960); Thomas Hovet, Jr., "United Nations Diplomacy," Journal of International Affairs XVII: (1963), pp. 29-41; Sydney D. Bailey, The General Assembly of the United Nations: A Study of Procedure and Practice, Rev. Ed. (New York: Praeger, 1964); Robert O. Keohane, "Political Influence in the General Assembly," International Conciliation No. 557 (March 1966); Robert O. Keohane, "Who Cares About the General Assembly?," International Organization XXIII:1 (Winter, 1969), pp. 141-149; Johan L. Lovald, "In Search of an Ocean Regime: The Negotiations in the General Assembly's Seabed Committee, 1968-1970," International Organization 29:3 (Summer 1975), pp. 681-709.



These groups are based upon some shared attribute or notion of long-run interest and are more or less permanent coalitions with considerable cohesiveness. It is obvious that not every sovereign state is a potentially acceptable partner in each group. There is a test for membership. Four types of groups try to put together states that "pass" a membership test and attempt to bargain together: blocs, regional caucusing groups, common interest groups that are represented directly in the negotiations, and groups organized outside the U.N. framework whose deliberations have an impact on member behavior in U.N. fora. Let us examine these groups, their important internal bargaining patterns, and the problems caused by overlapping membership between them of the participating states.

#### Blocs

A bloc is a group of states that has a prior commitment from its members that they will individually carry out a group decision, not only on a single problem but on many problems over time. In other words, there is group discipline. A group of this sort can be formed only if there is a powerful cementing principle, normally ideology. The only known true bloc at the United Nations has been the Soviet Bloc. The cementing principle was the communist ideology and the driving force was the Soviet Union treating its bloc members as subject to its order. This is not to say that there was no dissidence, but it was comparatively rare and occurred mostly when the bloc took an unfavorable stand on an issue(s) of very high salience to some of its members. This happened even as

early as the 1958 Law of the Sea Conference when Czechoslovakia and Hungary acted separately to protect their interests as landlocked states.<sup>31</sup> Most observers would agree that despite not being able to define the borderline, beyond which some dissidence destroys discipline, the Soviet bloc had not passed over the border to become merely another caucusing group.

But there are those who might question whether the dissidence goes beyond an occasional dissent and has affected some of the group members across the board, therefore reducing the Soviet bloc to caucusing group status. These questions are asked mostly in relation to Rumania's more independent foreign policy stance of recent years. There is no definitive answer as yet, although it appears that the Soviet bloc still has the highest and most consistent pattern of agreement on Law of the Sea issues of any group participating.

#### Caucusing Groups

Regional caucusing groups have dominated the politics of diplomacy in parliamentary sessions. The minimum cement or interest that has held them together in the past has been the politics of the distribution of seats on non-one-state-one-vote organs (e.g., Security Council) and the distribution of honorific offices within the U.N. system as a whole or its conferences. These groups have persisted over time and obviously shared other

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<sup>31</sup>Robert L. Friedheim, "Factor Analysis as a Tool for Studying the Law of the Sea," The Law of the Sea: Offshore Boundaries and Zones, edited by L. M. Alexander (Columbus: Ohio State University Press, 1967) p. 58.

interests than merely geography. They are the Latin American, Asian, African, Eastern European, and Western European and Other groups. Some of these have distinctive subordinate groups within their midst that also must be treated as caucusing groups as they try to act in concert on problems of particular interest to their more specialized membership. These subordinate groups would include the Scandinavian group, the Benelux group, European Community group, the Arab group and possibly some groups within the African group.

In addition to subordinate groups, there are also super-ordinate groups in the U.N. system which also have distinctive form and who play a critical role in parliamentary politics. These include the Group of 77 and the Afro-Asian group. The Group of 77 started when there were only 77 members, but now has well over 100 members in a caucusing group that purports to represent the common interest of all developing countries. The title of the Afro-Asian group is ample description of the interests it represents. Since problems of allocation of resources, colonialism, racism, economic assistance dominate the agendas and actual proceedings of U.N. sessions and conferences, and numbers alone would allow them to form majorities from within their own ranks, it is obvious that these groups have a dominating role in parliamentary diplomatic decision-making.

Caucusing groups have a rich internal life. They meet, elect their own officers and spokesmen, attempt to adopt a



common position, and bargain externally as a unit with other groups. Little precise recent information is available about their internal procedures. Indeed, this is a subject that seems ripe for systematic research. Most of what we do know is anecdotal or is gleaned from hints dropped by caucusing group members engaged in intergroup bargaining. Knowledge of how caucusing groups make decisions is extremely helpful in patterning out the overall process of decision-making. The critical impact of internal events is illustrated by what we know of the Group of 77. It operates by a rule of unanimity. An obvious manifestation of the "sovereign" attributes of its members, the rule means that an internal majority cannot force group decisions on a minority, indeed, even a minority of one. On the other hand, there is tremendous pressure to go along with what an overwhelming majority wants. Rather than oppose, most often a state expressing a minority opinion is expected to abstain or agree not to upset the will of the majority. But it is not required to agree. It is not unknown, however, for an obdurate state or small group of states who feel strongly that the majority should not act in a manner of which they disapprove, to dissent and force the group to renegotiate the issue internally.

The unanimity rule plus the size of the Group of 77 have made its internal and external operations elephantine--slow, ponderous, and deliberate. Frequently intergroup bargaining lies in limbo or is halted while the Group of 77 goes into caucus. What is particularly difficult is getting the Group of 77 to change

its position after it has reached internal consensus. Representatives of opposing groups must expect that the Group of 77 representatives must take any agreement, especially a compromise, back to the Group of 77 for re-examination. Group of 77 representatives that tried to negotiate a compromise with other groups have had their work repudiated by their caucus. This occurred at the Geneva session of the Law of the Sea Conference when the Caucus of the 77 rejected the text dealing with the establishment of a seabed agency negotiated by a Working Group headed by an LDC leader, Christopher Pinto of Sri Lanka. This type of situation gives a great advantage to ideologues and extremists, since normally what is agreed to by consensus before intergroup bargaining is the "pure" position or maximum preferred position. Anyone who advocates moving away from that position leaves himself open to charges of having lost the true faith.

#### Common Interest Groups

Common interest groups exist at the General Assembly, but are probably more important in the bargaining at specialized conferences. States that share an interest or attribute not represented in whole or part by the regular caucusing groups form common interest groups that also meet, develop a formal internal structure, and try to hammer out common positions. The representatives of such groups are recognized as representing those interests and therefore must be reckoned with in the intergroup bargaining. Many of these groups not only caucus during a U.N. bargaining session but also meet formally in advance of the session to map

their collective strategy and reduce their internal differences. It is often important that such groups be overt and visible so that they can gain recognition within the system and compete for attention with the regional groups. They want to be sure that the group representatives are participants in the intergroup bargaining. At the Law of the Sea negotiations, for example, it was well understood that the representative of the Geographically Disadvantaged Groups that caucused at Kampala, Uganda, before the Caracas LOS session must be listened to, especially on the special problems of landlocked and shelflocked states. Part of the reason the group formed was in response to the existence (and demands of) the coastal African group that caucused at Yaounde, Cameroon. Also prominent in the bargaining was the Archipelago Group. It is likely that other common interest groups exist as formal groups, caucus and plan their strategy at formal group sessions but who conceal their existence from the other members eligible to participate in the larger negotiation. Fear that an accusation of collusion would damage their cause is a motivation for their secrecy. What they want is policy coordination accomplished without the appearance of collusion. What they lose by concealment is group leverage, since the representative of the group need not be consulted before decision.

#### Influence of Outside Groups

U.N. bargaining cannot be self-contained. It must inevitably be affected by the decisions made by groups outside the U.N. system. These outside groups meet, discuss the issues on the



agendas of U.N. meetings, adopt positions, and hope to affect the outcomes of U.N. deliberations through the shared membership of the states who participate in both their proceedings and the U.N. There is even a great deal of interpenetration between these outside groups and similar active groups within the U.N. system. Both general and highly specialized groups participate in this process of interpenetration. General alliance or regional groups such as North Atlantic Treaty Organization (NATO) and the Warsaw Pact, the Organization of African Unity (OAU), or the Organization of Petroleum Exporting Countries (OPEC) are known, for example, to have considered law of the sea issues. The Afro-Asian Legal Consultative Committee is more specialized, but it too is concerned with U.N. Law of the Sea bargaining. Frequently delegates from the U.N. bargaining sessions are sent to brief the participants in outside organizations concerning the matters under negotiation at the United Nations. At times when observer status is given to representatives of states not members of an outside group, and therefore allows them to participate in their proceedings, the sessions of the outside group become an extension of the inter-group bargaining sessions within the U.N. system.

#### Cross-Cutting Cleavages

The sheer number of groups mentioned as functioning and operating simultaneously during a U.N. or conference bargaining session implies that none of these groups has an exclusive membership of states that does not belong to or does not participate actively in

other groups. The "multiple loyalties" required of states participating in more than one group creates "cross-cutting cleavages" which helps complicate intergroup bargaining, is partially responsible for the diffused nature of the outcomes of U.N. bargaining, and is also partially responsible for the fact that the system has not been irrevocably split by confrontations of completely irreconcilable groups.

It has been demonstrated many times previously that multiple affiliations or loyalties do not necessarily create total dissonance within an individual, and make him (or her) incapable of acting in a situation in which he must prefer one loyalty over another. As Harold Guetzkow put it "multiple loyalties are quite admissible, provided (italics in original) the different objects are furnishing compatible solutions."<sup>32</sup> This also appears to be true of organizations composed of individuals representing states. Many times in multilateral negotiations, the preferred outcome of states with overlapping affiliations is reasonably coherent because all or virtually all of the groups with which a state is affiliated prefer "compatible solutions." Nevertheless, some of the time, like individuals, the groups to which the states owe loyalty have incompatible preferences. These cleavages create cross-pressures within groups of states that make it difficult to act at all as a group, or force the group to take types of decisions they might not have

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<sup>32</sup>Harold Guetzkow, Multiple Loyalties: Theoretical Approach to a Problem in International Organization Publication No. 4 of the Center for Research in World Political Institutions (Princeton: Princeton University, 1955), p. 39.

taken without the divided loyalties of their members. Three consequences stand out.

First, groups in multilateral organizations usually cannot act as if they do command the complete loyalty of their members. They must allow for internal differences. Internal decisions therefore must--for the most part--be decided upon by discussion and adjustment, not quick, clean, decision processes such as voting. In sum, most groups have to assume they do not have the discipline of true blocs,

Second, to achieve the outcomes within the group that its members can agree upon, the membership has to search for types of outcomes that accommodate the maximum number of internal dissidents. By this we do not mean that an internal minority within one group with strong cross-cutting affiliations to other groups usually can force a majority to its minority point(s) of view, but rather the group must search for ways of accommodating the dissidents within the main thrust of the majority. Rather than the majority giving up its basic thrust, it must find exceptions for those who cannot fully comply, find allowable alternatives, or develop escape clauses. It must engage in a minute adjustment process which might water down its bold initiative in order to bring its wandering sheep back into the fold. In sum, cross-cutting pressures help enlarge and make more complex the substantive solutions which might prove acceptable to the largest number of group members.



Third, cross-cutting cleavages help prevent the we versus they syndrome in which the majority of true believers in a group decide they will duel to the death with their opponents regardless of the cost to the future of solutions to the problem under negotiation or the future of the ongoing organization. Because of multiple loyalties no group bent on an extreme outcome can be sure that it will carry with it all of its members if it takes extreme steps. Again, this is a well known phenomenon in all groups, primitive or complex. It is in part the cross-cutting pressures which prevent contemporary multilateral bargaining from becoming the real world equivalent of a zero-sum game.<sup>33</sup> Probably this is one of the major reasons why the well known hostility between "North" and "South" states has not come to the point where the U.N. organization would fail utterly as a result of irreconcilable differences. It is also the reason why the African group (42 members as of 1975) cannot unequivocally endorse an economic zone notion which benefits coastal states only because its 13 landlocked members would certainly break group solidarity.<sup>34</sup>

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<sup>33</sup>Robert A. Levine and Donald T. Campbell, Ethnocentrism: Theories of Conflict, Ethnic Attitudes and Group Behavior (New York: Wiley, 1972), pp. 48-50.

<sup>34</sup>For a formal model of the theory of crosscutting and overlapping cleavages see, Robert Axelrod, Conflict of Interest: A Theory of Divergent Goals with Applications to Politics (Chicago: Markham, 1970), pp. 5, 158-164.

## INTERACTION AND BARGAINING

As in all legislative-type organizations, public debate in the United Nations is but the tip of the legislative iceberg. Most of the time of the diplomats there is spent not on speaking but rather on interacting face-to-face with diplomats of other states. The particular type of interaction they are engaging in is bargaining. To understand U.N. interaction we must fit it into a general theory of political bargaining. Next we should look at the typical pattern of individual interaction characteristic of U.N. bargaining, both formal and informal. We then will proceed to examine what the bargaining is all about--getting support for the preferred outcomes of their states and groups by assembling winning coalitions.

The Nature of Political Bargaining

There are essentially two fundamental types of political bargaining. This is as true of negotiating within as without the U.N. system. Moreover, these two general types of bargaining hold irrespective of the number of negotiators participating or number of issues to be settled. They are: 1) incremental bargaining and 2) "a search for agreeable referents of a joint decision...."<sup>35</sup>

By incremental bargaining we mean the narrowing of the gap between participants, of finding the place between the opening positions of the parties that both would find acceptable. To be satisfactory the deal need not satisfy both parties equally, but both parties must feel that they have gained something of value as

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<sup>35</sup>William Zartman, "Negotiations: Theory and Reality," Journal of International Affairs 9:1 (1975), p. 71.

a result of the negotiation. This is the most familiar notion of bargaining. Our current scientific knowledge concerning incremental bargaining is derived largely from labor-management negotiations. There, for example, the task is to arrive at an agreement about how much labor is to be exchanged for how much money. It presupposes that an implicit or explicit decision has been made that it is appropriate and fitting to exchange time for money.

The question of whether it is appropriate to make such an exchange is the subject of the second type of bargaining--the search for agreeable referents. This type of negotiations requires the bargaining effort concentrate on the determination of which conceptual framework for dealing with the problem is to govern the solution. In the broadest sense, it is a form of agenda-setting, even though it can occur well beyond any formal agenda-setting stage of a negotiation. When one party to a negotiation claims that no labor ought to be exchanged for money but the money be freely given to those in need, while the other party to the negotiation wants to exchange time for money but will not consider giving money away, there is no common set of referents, no agenda under which exchanges can be organized. In an abstract model of this type of bargaining, a solution would require that one party surrender in whole or substantial part and agree to narrow any remaining gap (incremental bargaining) under the general conceptual framework of the other. In other words, the will of one of the parties must be broken. While this happens often in real world bargaining, it is not always inevitable if a device to sidestep



a confrontation such as side-payments or packages, is found.

The search for mutual referents, because it is essentially normative, is especially difficult to resolve. It is emotional, ideological, and symbolic. It is also political. Zartman, who pointed out the two types of negotiations believes that political bargaining is heavily oriented toward the search for mutual referents. U.N. General Assembly and Conference politics, because it is public, invite this type of bargaining. The parts of parliamentary diplomacy played out in the formal sessions of a U.N.-managed negotiation are often concerned with the search for a common conceptual framework. The individual diplomats who deal with their counterparts off the floor in face-to-face bargaining must also spend much of their time trying to persuade the other individual(s) to see things their way. However, much of the most effective work off the floor is of the incremental sort--where the agenda is set and the basic thrust of the personal interactions is to refine the fundamental understanding by incremental compromises. But, unless there is either an implicit or explicit understanding as to the terms of reference, attempts at arranging specific trade-offs or incremental compromises are likely not to prove successful.

#### Patterns of U.N. Interaction

In any human situation, it is individual human beings who interact. Thus one place to begin analysis of complex social behavior is to examine what individual human beings do in relation to each other in the social situation under

study. In the case of diplomats at multilateral bargaining sessions they interact with each other for the purpose of influencing the outcome of a bargaining session. Essentially they interact under two different sets of "rules"--formal and informal--where what they do is substantially different even if why they do it (attempt to influence outcomes) remains the same. We will look briefly at formal interaction patterns and then concentrate on the informal interaction patterns.

#### Formal Interaction

Formal interaction relates to what diplomats do on the floor of formal sessions of U.N. bodies. Here formal, often legal rules, govern speech-making, interventions and debate, parliamentary maneuvering and formal decision-making (the last item, however, will be discussed in the next major section).

Speech-making occupies much of the time of the formal sessions of plenary meetings of U.N. bodies. Since establishing a permanent open record of their national preferences is considered important by states, most of them do require that their diplomats prepare their speeches with care. Moreover, since these formal speech-making sessions need to be attended by listeners, much time of parliamentary diplomats is taken up with attending formal sessions, albeit often the time of junior diplomats or public (in the case of the U.S., Congressmen or notables) members of the delegation.<sup>36</sup> For some states, speech-making is their

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<sup>36</sup>David Kay made this valuable observation in a Personal Communication, March 3, 1976.

major form of participation in parliamentary diplomacy. Chadwick Alger has pointed out that states who disapprove of the thrust of the negotiation on an item (either because they do not share the mutual referents of the overwhelming majority or they are unwilling to budge at a point where an important incremental step must be taken if solution is to be reached), frequently do not participate in the informal interactive negotiating process. Nevertheless, even if they do not participate in the informal give and take, their position must be taken into account by those who do. They are informed of the position of dissidents by the speeches the dissidents give on the floor.<sup>37</sup>

Since ultimately all decisions must be ratified by formal processes even if not made primarily through them, representatives of states at parliamentary diplomatic negotiations must become rather expert at formal parliamentary maneuvering in order to

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<sup>37</sup>Much of the discussion of informal bargaining that will follow is drawn from the pioneering work of Chadwick Alger, particularly: "Interaction and Negotiation in a Committee of the United Nations General Assembly." Peace Research Society: Papers, V, Philadelphia Conference, 1966, pp. 141-159; "Interaction in a Committee of the United Nations General Assembly," Quantitative International Politics: Insights and Evidence, J. D. Singer (ed.) (New York: Free Press, 1967), pp. 51-84; "Negotiation, Regional Groups, Interaction and Public Debate in the Development of Consensus in the United Nations General Assembly," The Analysis of International Politics (New York: Free Press, 1972), pp. 278-298; "Research on Research: A Decade of Quantitative and Field Research on International Organizations," International Organization XXIV:3 (1970), pp. 437-438.



prevent having their interests damaged by being outmaneuvered on the floor by those who know how to manipulate the rules of procedure. It is not impossible to settle the fate of a proposal by a subtle but important change in wording of a proposal, or have a proposal gutted by an amendment proposed by an unfriendly participant, or a proposal voted down because of a lost procedural vote which requested a change in the order of voting, or finally, of a proposal being sent to an unfriendly committee or working group. While parliamentary maneuver is an important tactical influence on the outcome of parliamentary negotiations, it is not the most important reason for parliamentary diplomatic assemblies reaching the outcomes they do. This point must be emphasized because until the work of Alger, the impression drawn from earlier legal work on parliamentary law was that the formal stage of parliamentary diplomacy was the most important.<sup>38</sup>

#### Informal Interaction

The essential elements of the informal interaction patterns of individual diplomats that we know anything about--largely due to the work of Chadwick Alger--are: 1) what the interactors actually do; 2) who are the interactors likely to be, and for whom are they acting; 3) what skills and attributes are possessed by these interactors; and 4) where and how they do interact. We will discuss these before moving into the next section on coalition formation, where we will discuss why they interact.

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<sup>38</sup>See for example, Jessup, "Parliamentary Diplomacy," pp. 266-289.

Individual diplomats work off the floor to draft treaty language or articles or General Assembly resolutions and obtain sufficient support for them to turn them into a decision of the collectivity. Their interaction consists of not only recruitment per se but adjustment of the language, meaning and operational effect of the written document at hand so that a bargained agreement can be reached. The adjustment process is what consumes most of their time. There is a strong relationship between experience and the propensity of an individual diplomat to interact at a high level. According to Alger, foreign office personnel tended to lead in interaction, with permanent U.N. mission members coming close behind. Moreover, diplomats who had more years of previous service in the Assembly seem also to rank high in interactions.

Certain states show high patterns of interaction over time, at least on certain issues. They are often at the hub of a network of contacts. The tempo and pattern of activity by diplomats representing these particular states will usually persist over consecutive sessions of that particular parliamentary body so there is a good deal of continuity of interaction.

Individual diplomats, of course, represent their own states in discussions within their own caucusing or common interest groups as well as between different groups. The diplomats of some states showed a greater pattern of interaction within their groups than between groups. This was true, for example, for the

representatives of the Soviet and Latin American groups in the negotiations in the Fifth Committee of the General Assembly in 1962, although the pattern may have changed over time. Frequently a diplomat will spend much of his time in cross-group discussions, since that is what is necessary to get the backing of more than his own group for his substantive position. Some states are precluded from claiming that they have group backing because it is well known that they are isolated, such as the Republic of South Africa. Some claim not to participate formally in the group process, such as the United States, which has no formal group affiliation (this is despite the fact that a Dutch scholar has reported that the United States has participated in WEO group meetings, indeed, has hosted them).<sup>39</sup>

What factors seem to "explain" the propensity of certain diplomats to interact? Alger suggests five factors as the most likely: 1) degree of issue interest, 2) whether national policy is close enough to a majority position to permit negotiation; 3) national ties outside the organization; 4) working relationship of individuals in different delegations; and 5) individual delegate characteristics.<sup>40</sup>

Interaction at a high level is a form of leadership. Personal experience of the author in his own interaction with delegates to the Law of the Sea Conference revealed to him the great concern

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<sup>39</sup>Baehr, "The Role of a National Delegation in the General Assembly," pp. 40-41.

<sup>40</sup>Alger, "Interaction in a Committee..." p. 82.



expressed by delegates as to the importance of identification of leading individuals and leading states. But precisely why one state or one or more of its representatives is thought of as a leader is not well understood. Obviously the major states with important attributes of "power" expect their representatives to be treated as leaders. Frequently they are so treated, more often they are merely consulted but do not lead.

Leadership is also related to two other factors: 1) history of leadership on the part of a particular state and 2) the personalities of the bargainers. There is a record within the U.N. system of expectations that a state's representatives will play a leadership role. Therefore, role analysis could be rewarding. The latter factor--personality as an aspect of parliamentary diplomatic leadership--remains untouched. An attempt to systematize the case-by-case materials available should be attempted by scholars.<sup>41</sup>

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<sup>41</sup>It has been noted by many commentators that, while it appears self-evident that leadership, personality, or other personal influences on negotiation are probably highly influential on the outcomes of the negotiating process, too little serious work has been done to derive any systematic patterns for the negotiation process as a whole, much less for parliamentary diplomacy. On these problems see: Margaret G. Herman, "Leader Personality and Foreign Policy Behavior," Comparing Foreign Policies, S. N. Rosenau (ed.) (New York: Wiley, 1974), pp. 201-234; Ikle, How Nations Negotiate (New York: Harper & Row, 1964), pp. 143-163, 263; and Sawyer and Guetzkow, "Bargaining and Negotiation in International Relations," pp. 508-511.

Interaction can take place almost anywhere that delegates to a negotiation can meet face to face. Alger was able to study a rich pattern of interaction by observing the discussions in the assembly hall by diplomats who were not on the podium or who did not have the microphone. They conducted business by making visits to each others' seats, they talked in the back of the hall or in the corridors. They continued the discussions in the delegates' lounge, over lunch, and dinner, at parties and receptions, as well as meetings in each others missions or delegation headquarters.

Informality, however, has its limits. Frequently intergroup bargaining cannot be conducted only between two individuals. Others must be brought in. Therefore quasi-formal administrative arrangements must be made.

So-called "contact groups" and "informal negotiating groups" have been created, for example, at the Law of the Sea negotiations, to bargain on particular sets of problems outside of the formal committees or plenary sessions, and at times even when the conference was not in session. A contact group is a committee of representatives of the separate and often opposing groups concerned with a particular substantive problem. An informal negotiating group, such as the Evensen group (named after the chairman, Jens Evensen of Norway) on the Economic Zone active in the LOS negotiations, is a group of states that publicly proclaims itself interested in a particular subject and ready to bargain with each other. Its

membership is open-ended but frequently it, too, becomes the informal meeting ground not only of like-minded states but also of states from groups not solidly in the original coalition of informal negotiating group members. Often it expects to submit a proposal developed within the group to the plenary session of all participating states.

#### Coalition Formation

The purpose of interaction is to help influence the outcome of the bargaining process. It requires that an interactor try to get others to accept as an outcome a substantive position acceptable to his state. Unless there is no conflict of interests (in which case a proposal can be considered on its intellectual merits) or one of the permanent coalitions such as the Group of 77 has within it an automatic majority if it acts in disciplined fashion, the interactor has to garner sufficient support from others to be able to dominate the decision process. The search for support in theory can be random, since the support of any sovereign state in the U.N. General Assembly or Conference is equally valuable. Or it can be patterned. We believe it is patterned: in the real world of the U.N. the interactors looking for support try to attract support from particular states, and preferably states that can bring along the support of their own caucusing or common interests groups, or at least a factional subset of them. In other words, the interactors are trying to form a coalition, a temporary combination or alliance.



There is now a substantial theoretical and empirical literature on coalition formation, particularly in legislative bodies. To our knowledge there has been no application of this literature to the problem of coalition formation in large-scale multinational assemblies or conferences. Thus we really cannot claim with confidence that what is known about coalition formation within domestic legislatures can be transferred in original or even appropriately modified form to seemingly similar activities in international "legislatures." Nevertheless, we believe the basic concepts of coalition theory could be useful in furthering the study of multinational decision processes. At the least we think it is worth attempting to use some of the major insights of the coalition literature as analogs to illuminate our present concerns with U.N. bargaining. In particular we believe three notions derived from coalition theory are worth exploring to see if they help the analysis of parliamentary diplomacy. They are:

- 1) ideological distance; 2) minimum winning coalition; and
- 3) minimum connected winning coalition.

Ideological distance is a concept which helps in understanding why there may be a predisposition of some bargainers to work with some parties but not others.<sup>42</sup> Remember, in a setting in which all states have the right to participate in a decision, any vote or decision is as good as any other vote or decision for influencing the outcome. Nevertheless it is rare that each voter is treated as an equally acceptable

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<sup>42</sup> Abram DeSwaan, Coalition Theories and Cabinet Formations, pp. XIX-XX, pp. 80-119.

potential coalition partner. Certainly the permanent groups are based upon some preference concept. Shared values and interests clearly make some difference as to whether states will consort with each other through quasi-permanent groups. But does the principle apply across groups? That is, do groups that closely share affinities tend to turn first in the formation of coalitions to other states or groups of states who while not sharing the full set of affinity characteristics, share some of them, more than other states or groups that share fewer or no affinities? In U.N. politics this hypothesis appears to be worth testing, but only over a long enough time and a wide enough range of questions, since previous empirical evidence has indicated that voting groups (if not coalitions) tend to be composed differently on different issues. To eliminate issue-oriented perturbations, we might look for what might be called "grand coalitions"--consistent agglomerations of states which make similar decisions over time and with relatively little regard to different issues.

Knowledge of the underlying basis of the ideological distance hypothesis could also be good practical politics. It has been observed that diplomats from some developed states without multi-party parliaments tend to try to treat U.N. conferences as merely a gathering place at which to conduct bilateral or small group negotiations. Their style seems to be to try to negotiate or face directly the states or groups most opposed to their current policy. If they were cognizant of the probability that certain

groups with similar outlooks needed to be brought together as a coalition as the first step in achieving the basis of decision, they might act differently. Then they could concentrate their energies on first bringing together groups with minimal differences between them, then bringing over other states and groups with more sharply defined differences, and saving for last--if at all--bargaining between groups that are quite sharply divided.

Minimum winning coalition theories may also be useful as working hypotheses in examining coalition formation in multilateral bargaining.<sup>43</sup> However, whether it applies at all will be critically dependent upon the operative decision rule. Obviously, if the decision rule is consensus or unanimity, then by definition the coalition needed for success is the "maximum" coalition. On the other hand, where the decision rule is a simple or two-thirds majority, there are incentives in terms of not watering down the

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<sup>43</sup>William H. Riker, The Theory of Political Coalitions (New Haven: Yale University Press, 1962); Donald R. Lutz and James R. Williams, "The Applicability of the Minimum Coalition Theory to Legislatures: A Review of the Evidence and a Proposal Concerning 'Rationality,'" paper delivered at APSA Convention, August 1974; Kenneth A. Shepsle, Robert Lyle Butterworth, John A. Ferejohn and Morris P. Fiorina, "Formal Theories of Voting and Coalitions," American Political Science Review LXVIII:2 (June 1974), pp. 505-546; Gerald S. Strom, Stephen V. Stephens, Laurence S. Mayer and I. J. Good, Nathaniel Beck, Gordon Tullock, John A. Ferejohn and Morris P. Fiorina, R. E. Goodin and K. W. S. Roberts, Eric M. Uslander and J. Ronnie Davis, Norman Frolich, Guillermo Owen, David H. Koehler, Peter Bernholz, Joe Oppenheimer, "Participation, Coalitions, Vote Trading," American Political Science Review, LXIX:3 (September 1975), pp. 908-969; S. Groennings, E. W. Kelley and M. Leiserson (eds.) The Study of Coalition Behavior (New York: Holt, Rinehart, and Winston, 1970).



purity of the concept under negotiations, or in the division of the spoils, or the cost of the side-payments to keep the winning coalition to minimize size, or to minimum size plus a safety margin. There has been no analytic work done on this problem. Future work on this problem could be significant and fruitful.

It may also profit students of international organization processes to examine the coalition theory based on a conflict of interest paradigm developed by Robert Axelrod.<sup>44</sup> The paradigm seems to fit the nature of international bargaining. Moreover, the spatial characteristics of the model makes it potentially testable with the types of data that can be collected concerning U.N. bargaining. The real question may not be whether it is relevant, but whether it is applicable in toto, or only in part after suitable modifications are made to fit it to U.N. circumstances. At the moment we should reserve all three options.

Axelrod's hypothesis states that in parliamentary systems minimum connected winning coalitions are likely to form more often than would be indicated by chance, and once formed would remain more stable. The model is based on the notion of conflict of interest being defined as incompatibility of goals between two or more actors. To operationalize the basic model we need to think of a spectrum of political parties in a legislative setting in ordinal policy space. The parties must have single peaked preferences or prefer the policy positions of parties on either

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<sup>44</sup>Robert Axelrod, Conflict of Interest, pp. 165-187.

side of them in the ordering to parties further away in the ordering. Thus their "utilities" will be ordinal. Axelrod is claiming that, more often than not, the winning coalition will be composed of parties that are "connected" in ordinal policy space. It will also be "minimum," in Axelrod's terms, because this property reduces the conflicts of interest within the coalition. Finally, it has to put enough votes together to be "winning." Although Axelrod approaches the problem differently than the proponents of separate ideological distance or minimum coalition theories, he has, in fact, successfully incorporated the major contributions of both schools into his model.

Availability of appropriate data may be an important limitation, but certainly not the most important constraint in testing the fit of the Axelrod or any other coalition theory with U.N. behavior. Four types of data separately or perhaps together might be useful, but each of the four presents problems. They are: 1) roll-call voting data; 2) interaction data; 3) sponsorship data; and 4) preference data.

Roll-call votes are readily available and have already been extensively exploited, primarily by applying to them pattern discovery techniques such as factor analysis. They can be used again, this time for testing an explicit hypothesis such as Axelrod's. However, there are a number of reasons to be cautious about drawing inferences: 1) roll-call votes cover a minority of decisions and not even necessarily the most important decisions,

and 2) the move in the U.N. system away from voting toward a consensus decision system makes available vote data less useful.

Interaction data of the sort gathered by Alger by observation techniques is not readily available, and is expensive and difficult to gather. But once gathered it, too, could be used to test formal hypotheses of who is more likely to be in alliance with whom by looking at whether who tends to interact with whom is valid evidence of coalition formation.

Sponsorship data is easier to gather, since which countries' names are associated with which proposals is, for formal proposals, a matter of public record. Here the investigator could look to see if there is a consistent effort to signal members of the U.N. by the country names on the proposal that the countries named will be able or will merely try to bring their bloc or caucusing group into the coalition. The limitations here are that 1) we know that the level of sponsorship behavior of states is not a good indicator of the level of interaction of states;<sup>45</sup> it also may not be a good indicator of coalition formation; 2) the formal proposals submitted may be only the tip of the coalition formation iceberg and inadequate as data.

Preference data, or information indicating what each separate state prefers, might also be useful for discovering coalition patterns, if we can assume similarity of preferences indicates a propensity to work together. Such data is not easy

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<sup>45</sup>Alger, "Interaction in a Committee of the United Nations General Assembly," p. 82.



to gather, the collection procedure is expensive, but we know from experience that it is feasible.

Applying coalition theories, particularly Axelrod's, probably will encounter some formidable difficulties. It is not mere lack of awareness by international organization specialists of what colleagues in related fields have been doing that has caused the neglect of coalition theory as a useful paradigm for the study of U.N. politics. Three problems stand out: 1) As compared to a domestic legislature, it is not easy to order the players of U.N. Conference or Assembly bargaining on even an ordinal policy scale. 2) There is evidence that voting majorities (and possibly coalitions put together to form these majorities) shift with the issues<sup>46</sup> and therefore coalitions may be so unstable as to be untraceable or so issue-specific as not to be considered "true" coalitions. 3) What is a coalition and what is its necessary size--key questions in contemporary coalition research--are quite dependent on the decision rule, and that decision rule, and precisely what it means, is undergoing a radical shift in the U.N. system. One must face the possibility that a "maximum coalition" is either a conceptual absurdity or the tracing of a maximum coalition's ultimate composition may be better done by other means. These obstacles could lead to either a dismissal of coalition theory as a guide to the analysis of U.N. decision-making or the application of only a substantially modified paradigm.

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<sup>46</sup>Alker and Russett, World Politics in the General Assembly, p. 283-289.

But it appears to be worth the effort.<sup>47</sup>

#### DECISIONS BY FORMAL COLLECTIVE PROCESSES

"Collectivized decision" is probably the most appropriate generic term to apply to the hoped for output of a parliamentary diplomatic system. By this is meant a decision taken by the assembled states that is agreed to by the requisite percentage of them required by the formal or informal decision rules. The term was suggested by Giovanni Sartori as appropriate to describe the scope of a decision, that "whoever does the deciding decides for all" (*italics in original*).<sup>48</sup> In parliamentary diplomacy, in addition, there is usually an attempt to work toward an "effective decision"; one that will be implemented, if it is not self-implementing, by enough states to make the decision expressed in a resolution or treaty article operative. A "collective decision" is a decision made by all (Sartori's definition) that has a high probability of being effectively imposed by all upon themselves. A collectivized decision not necessarily made by all is less likely to be imposed upon those who vote no, but it does happen, particularly in domestic democratic systems and the international system through customary law, coercion, or historical accretion. Nevertheless the distinction between a mere decision and an effective decision is central to the decision-making history of the United Nations.

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<sup>47</sup>For an earlier plea for students of multinational negotiations to pay attention to cross-regional coalitions see: Robert O. Keohane, "Political Influence in the General Assembly," pp. 11-13.

<sup>48</sup>Sartori, "Will Democracy Kill Democracy," p. 131.

### Voting As a Validating Procedure

Creating a collectivized decision has always required that the decision be made by a formal collective process. Voting according to a formal voting rule which states the requisite majority necessary for the passage of the measure up for consideration has been the formal procedure that has made a U.N. or U.N. conference decision a decision in the legal sense. It is still required today. However, there has been a change at the U.N. and its conferences that very often means that the formal vote is a mere validating procedure for a decision made in another mode.<sup>49</sup>

This change has emerged gradually over the history of the United Nations. The turnabout approximately paralleled the rise of the Less Developed States-controlled majority and the decline of the United States-controlled majority. In the early history of the United Nations and its conferences, usually only the Soviet Bloc found itself consistently in the minority. It was easy for the United States to assemble a two-thirds majority on most issues, and therefore advantageous for it to claim to believe in majority rule at the international level. The United States showed its preference for majority rule by sponsoring the Uniting For Peace Resolution which widened the mandate of the one-state/one-vote-based General Assembly to act. Moreover, although most of these

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<sup>49</sup>Chadwick F. Alger, "Decision-Making in Public Bodies of International Organizations (ILO, WHO, WMO, UN): A Preliminary Research Report," Political Decision Making Processes: Studies in National, Comparative and International Politics, Dusan Sidjanski (ed.) Amsterdam: Elsevier, 1973, pp. 205-229.



"decisions" (technically, recommendations in the General Assembly or treaty articles subject to national ratification in U.N.-sponsored conferences) were not made operative by the dissenters in the legal sense, they appeared to have substantial operational meaning because a coalition of states powerful in the outside world was willing to back them. In other words they seemed to be quite effective. The gap between power and responsibility enshrined in the U.N. Security Council decision structure via the veto was papered over for the Assembly and--to some, but to a lesser degree--in international conferences.

But the papering over was no longer possible when the automatic majority possessed by a group of small weak states could put all of the major states into a permanent minority. Thus they could vote in anything they cared to, but they could give their acts little effect in the real world if the minority, composed of the industrial states of East and West, chose to resist. Often on issues of symbolic importance only, the Group of 77 chose to punish the major states. But where the cooperation of the major states was required by the nature of the decisions to be taken, a different set of decision rules appeared to be necessary, which brought all or virtually all member states into acquiescence in the decision. Achievement of unanimity or even consensus is by a process far less clear-cut than majority rule voting. It creates both normative and analytic problems.

It can be argued that in the U.N. system, on issues of high salience to major states, the majority rule principle has been abandoned in fact by the members of the system, and they are in the process of abandoning it for conferences.

Virtually no votes were taken in the nine years of the Law of the Sea negotiations (only five substantive LOS votes have been taken in the 27th General Assembly (December 1972) and a few other scattered procedural votes since). This is probably not because, in the view of most delegates, majorities--even requisite majorities--were not formed on most issues. Decisions were possible, but probably not effective decisions.

In a historical sense, decision by consensus or unanimity may be viewed by some observers as an atavistic or retrogressive development. The unanimity rule used by earlier conferences was the obvious corollary of the notion of the equality of sovereign states. The predecessor organization of the U.N.--the League of Nations--also was saddled with a unanimity rule for both its Council and Assembly, albeit with exceptions to the general rule (Article 5 of the League Covenant). Many critics have charged that the unanimity rule was one of the chief causes of failure of the League. Others believe the rule merely reflected the realities of a world in which a major power in the minority could be coerced into conforming to a majority's preference only at a cost not enough members of the system were willing to pay.<sup>50</sup>

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<sup>50</sup>Cromwell A. Riches, The Unanimity Role and the League of Nations (Baltimore: Johns Hopkins Press, 1933), p. 207.

Analytically the requirement for consensus or unanimity presents many theoretical problems. It turns what is akin to a zero-sum situation of only the winning party benefitting under the winner-take-all property of the majority rule voting procedure to a potential positive-sum situation under non-winner-take-all procedures of committee consensus. Here all parties may benefit positively by finding an outcome they all could agree to.<sup>51</sup> Yet most legislatures--including the U.N. General Assembly and U.N. Conferences--even without a consensus requirement do not usually operate on a pure zero-sum decision basis. In legislatures that are continuing organizations there can be deferred reciprocal compensation procedures that can be effective in promoting positive-sum outcomes. Thus losses by a party on some present issues can be made up later by enough gains on future issues so that on balance, that particular participant is made to feel better off. Nevertheless, further change toward conversion of the U.N. or its conferences toward committees of the whole may violate the size principle associated with effective positive-sum outcomes of committees.<sup>52</sup> The 150+ member U N. General Assembly or a

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<sup>51</sup>A positive sum game is one of two subsets of the variable sum game. In the variable sum game the winners' winning and the losers' losses need not add up to a fixed or constant sum. But only in the positive sum situation can the participants be made better off than if the game were not played. If the game is a negative sum game "there is no such position." Kenneth E. Boulding, Conflict and Defense: A General Theory (New York; Harper & Row, 1962), p. 44.

<sup>52</sup>Sartori, "Will Democracy Kill Democracy?", p. 154.



U.N. Conference is a most unwieldy committee which may produce no decisions as well as positive-or-zero-sum-like decisions. Clearly the present U.N. decision system is a hybrid that has characteristics of a number of other public decision systems, assembled in a unique way.

#### Formal Voting Rules

Despite the characterization of the official voting rules as a set of more formal than real requirements for decision, they are used and therefore must be understood to model parliamentary diplomacy.

United Nations voting rules allow for a simple majority for procedural questions in any one-state/one-vote forum (assembly or conference), or for substance questions in committee. A two-thirds majority of those states present and voting is required to pass an important substantive measure, or any measure in a plenary session. "Present and voting" is understood to mean that states choosing to abstain or absent themselves will not have their vote counted toward the requisite majority. The respective requisite majorities, therefore, are made up of 50% or 66.6% of those states who actually vote yes or no. Under these U.N. voting rules anything but a positive or negative vote is, in actuality, one-half or two-thirds respectively of a positive vote, therefore the decision to abstain (and those decisions to be absent that are consciously made) is a decision to support covertly the proposal being put to the vote. This is well understood in the U.N. system. To abstain is

to withdraw from participation in a decision while not making achievement of that decision more difficult.

A strict order of progression in voting is required unless by procedural vote (needing only a simple majority) the order of voting is transformed. First to be put to a vote, in the order in which proposals are submitted, is an amendment to an amendment. Then an amendment is put to the vote. Third in progression is an individual article in original, or if amended, then amended form. If the article is part of a larger text, after each article is voted upon, the text as a whole is voted upon. The same basic order is followed in committee and plenary session differing only in the majority required for passage.

#### Law of the Sea Conference Decision Rules

While the usual U.N. voting system is still applied to resolutions in the General Assembly, it has been necessary to modify it for international conferences such as the Law of the Sea Conference, that expect to result in effective decisions.<sup>53</sup> The operative, if very general, principle is not to form the minimum winning coalition but to form the maximum coalition. No particular form of the maximum coalition is required, and its achievement is not an absolute requirement for decision. The deliberate vagueness of the rule makes it impossible to specify the exact decision requirements.

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<sup>53</sup>This may be true for other future conferences. Such a waiver of the two-thirds rule for adoption of the texts of conferences is allowable under Article 9 of the Vienna Convention on the Law of Treaties.

The rules of procedure adopted at the Caracas session of the Law of the Sea Conference incorporate as an appendix a "Gentleman's Agreement."<sup>54</sup> That agreement states that: "The conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted." Note that there is no definition of consensus. Once all efforts to reach consensus have been exhausted, then Rule 37 can be invoked. Rule 37 allows for an elaborate set of cooling-off procedures that can delay the vote. It requires also a formal finding that all efforts have been exhausted before voting is permitted.

If these rules are invoked, the assembled states revert to a modified majority decision system. As we shall see, it closely resembles the ordinary two-thirds present and voting formula except in unusual circumstances.

Rule 38 specifies that each state will have one vote. Under Rule 39 decisions on "all matters of substance, including the adoption of the text of the Convention on the Law of the Sea as a whole, shall be taken by a two-thirds majority of the representatives present and voting, provides that such majority shall include at least a majority of the states participating in that session of the Conference." In other words, the requisite majority must be made up of two-thirds of those states at a session who vote yes, no, abstain or are absent for a particular vote. Since 147 states were represented at the Caracas meeting, if a vote had been taken

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<sup>54</sup>United Nations Third Conference on the Law of the Sea, Rules of Procedure, A/CONF. 62/30, 2 July 1974.



there on matters of substance, it would have required 74 or more votes for passage. Obviously this was an attempt to bring the requisite majority closer into line with the notion of "consensus." Careful analysis, however, indicates that except where there are wholesale abstentions or absences, the actual decision rule is essentially that of two-thirds present and voting. Only when there are more than 37 non-voters is each non-vote above that number counted essentially as a no vote.<sup>55</sup> Consensus therefore may more resemble a two-thirds majority if the voting rules are actually used.

Consensus remains for analysts of diplomatic conference parliamentary diplomacy an operationally undefined ideal. However, legal scholars have discussed what the concept might mean.<sup>56</sup> Obviously a decision agreed to unanimously would be judged as complying (and more) with a consensus requirement. But bargaining in a multilateral setting until all objections to action are removed, except on minor questions, is relatively rare. A decision

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<sup>55</sup>Joseph B. Kadane, "Analysis of the Voting Rule Adopted for Law of the Sea," Memorandum (CNA)1223-74, 29 July 1974.

<sup>56</sup>Louis B. Sohn, "Introduction; United Nations Decision-Making: Confrontation or Consensus?" Harvard International Law Journal 15:3 (Summer 1974), pp. 438-445; Louis B. Sohn, "Voting Procedures in United Nations Conference for the Codification of International Law," American Journal of International Law, 69:2 (April 1975), pp. 310-353; Daniel Vignes, "Will the Third Conference on the Law of the Sea Work According to the Consensus Rule?" American Journal of International Law 69:1 (January 1975), pp. 119-128.

taken by a parliamentary diplomatic body with no public dissenting voices or an announcement by a conference president or committee chairman at intermediate stage in negotiations that consensus had been reached because there were no strong negative voices also probably would qualify as "consensus." This would be the informal equivalent of the use of abstention or absence (under the usual present and voting rule) to avoid preventing decision by the majority. It probably would also be judged as consensus on decisions on major substantive issues where those who do not go along with the majority do not block agreement by strongly dissenting but instead abstain. But is consensus achieved if there are negative signals? How many? If only a few states dissent, does an overwhelming majority qualify as consensus? This is a judgment question, but one the parliamentary diplomatic system will probably face sooner rather than later.

Changed Decision Rules: Where Are They Leading?

Where a changed direction in decision rules seems to be leading is a problem not yet well addressed by analysts. As seen in our discussion, U.N.-sponsored conferences already are emphasizing positive-sum decisions. A number of observers believe the General Assembly will degenerate into total uselessness unless it too can convert itself from a body that too often produces zero-sum outputs favorable to the Group of 77 into a decision body which regularly produces positive-sum outputs

favorable to all or virtually all participants. While this point is widely debated and it is often conceded that the General Assembly must be converted to a body capable of effective decisions, there is a simultaneous debate on whether the positive-sum decisions -- such as they are -- achieved by U.N.-sponsored conferences are worth the effort invested in them. Critics often point to 1) the seeming indeterminacy of consensus outcomes; 2) the least-common-denominator character of the outcomes; and 3) time necessary for decision. In the case of the Law of the Sea negotiations, critics point out that the process has taken nine years thus far, that no formal outcome has yet been achieved, and that if decision is achieved, it might be through a document that is deliberately ill-drafted to paper over fundamentally irreconcilable approaches to the problems under negotiation. In short, even if we get a new Law of the Sea Convention, it will not be the new constitution for the oceans that many participants hoped they would achieve when the negotiations began. This is undoubtedly true -- a new "constitution" for the oceans will not emerge from the negotiations. It would be unjust to say that the hope for a new constitution was a false hope from the beginning.<sup>57</sup> But it is now a false hope in the light of the change in the decision rules that requires consensus. This does not mean that nothing has been achieved by the

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<sup>57</sup>This is a view shared by others. See Oran R. Young, "An International Regime for Beringia," unpublished paper, November 1975, fn. 164.



Law of the Sea negotiations. The states of the world are not where they were nine years ago on ocean problems. Decisions, whether decentralized or partially centralized, are emerging from the interactions of states in the U.N. conference arena. They more resemble the partisan mutual adjustments described by Charles Lindblom<sup>58</sup> than a set of consistent constitutional provisions. What has happened is that states have realized that in ocean affairs they cannot take action which harms the interests of others without trying, in making their decisions, to at least partially compensate other states who would be harmed by their unilateral decisions. Essentially what this process involves is that those who would seize the policy initiative and those who would be harmed by such action adjust their relations to each other without giving up their distinctive and different points of view. The patterns emerging from this adjustment process are quite complex. But they are achievable, and if we develop the appropriate social science tools they are probably manageable.

#### PUBLIC NEGOTIATIONS

Open agreements at parliamentary diplomatic assemblies and conferences are at least partially openly arrived at. Moreover, the openness of the proceedings effects the outcomes that are achieved. Openness has both positive and negative impacts.

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<sup>58</sup>The Intelligence of Democracy: Decision Making Through Mutual Adjustments, New York: Free Press, 1965. The relevance of Lindblom's works to the study of international bargaining was demonstrated in Davis B. Bobrow, "Innovations for Shared Warning, Diagnosis and Management of Conflict," paper prepared for delivery at APSA Convention, September 1975.

The Wilsonian arguments on the positive benefits of openness are still the best available for the defense of public diplomacy. However, they are more normative than empirical. Nevertheless, some of Wilson's preferred practices have had an impact on the way in which nations conduct their business when collected together in a multilateral assembly. Despite four possible benefits of conducting negotiations in public, we will argue that in terms of finding a procedure that makes the solutions to international problems more probable, the publicness of parliamentary negotiations has been more hindrance than help. Therefore, we will also concentrate on four negative impacts of trying to openly reach agreement.

#### The Beneficial Effects of Wilsonian Public Diplomacy

Four linked arguments can be made in defense of putting diplomatic activity on public display. The first is that public negotiations insures the democratic nature of the discussions and therefore tends to promote outcomes that are democratic and fair. The second argument is that open diplomacy allows public opinion to influence the proceedings and therefore assures that the "public" will be more likely to approve and support the outcomes. The third argument for holding public discussions of world affairs in an international organization is that the public discussion itself helps identify the "correct" substantive solution and therefore the outcome achieved is likely to be theoretically correct and not merely a compromised formulation worked out in a back room.

The fourth Wilsonian reason is that public discussions of public affairs promotes honesty of statement of positions on a problem and therefore promotes outcomes that are honest.

Little empirically can be said about the democratic nature of public discussions which gives the great and small, rich and poor, active and inactive the same right to participate in parliamentary negotiations that has not already been discussed under "Sovereign Equality," "Large Number of Participants," and "Large Numbers of Issues." Parliamentary diplomacy may be democratic, but it also is complicated.

Not much more can be said empirically about the manner and degree of public opinion's impact on the way parliamentary diplomats conduct their business. A number of studies in the 1950s and 1960s did public opinion surveys to gauge whether the work of the United Nations affected opinion in various countries and among various elites, but little work has been done on demonstrating whether public opinion has affected the work of the United Nations.<sup>59</sup> More recently, however, a survey of newspaper coverage of U.N. activities in 50 countries has indicated that of a number of nonperceptual variables, the U.N. participation of a country is the test prediction of its attitude toward the U.N. system.<sup>60</sup> Although

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<sup>59</sup>A survey and assessment of these works can be found in: Robert E. Riggs, and others, "Behavioralism in the Study of the United Nations," World Politics XXII:2 (January 1970), pp. 208-210..

<sup>60</sup>Carol S. Soross, "The United Nations and the World Press..." Ph.D. Diss, Northwestern University, Evanston, Ill., 1975 cited in Hanna Newcombe, "National Patterns in International Organizations," Peace Research Reviews VI:6 (November 1975), pp. 320-323.



this has no direct connection with "openness," "public opinion" based on a country's participation is certainly facilitated by the news reporter's ability to tap publicly available information.

"Correctness" of outcome even more than the other Wilsonian reasons is in the eyes of the beholder, so we shall pass over the third attribute. The fourth attribute does, however, have an impact upon the way in which business is conducted in an open assembly of the world's states. We believe that the necessity of describing their state's substantive preferences in a public forum forces most diplomats to provide an honest account of the hopes and requirements of their state for the solution of the substantive problems on the agenda. Most important is the fact that a public statement of position putting a state on record before friend and foe limits the scope of the deception it may practice. What is stated as a national policy is usually fairly close to what is a state's true preferred position.<sup>61</sup> A country's representative may state his country's preference in a vague or deceptive way. He may practice deception in how he will go about achieving his preferences, but it is rare that in parliamentary diplomacy that a diplomat espouses the opposite of his country's policy preferences.

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<sup>61</sup>There are even indications that promises made in public are carried out when feasible, at least in democratic countries. For example, Gerald M. Pomper content-analyzed twelve Republican and Democratic party platforms (1944-1964) and discovered that three-quarters of all promises of future action were kept. Elections in America: Control and Influence in Democratic Politics (New York: Dodd, Mead, 1970, pp. 179-203.

<sup>62</sup>Fred Charles Iklé, How Nations Negotiate, pp. 106-114.

### The Deleterious Effects of Wilsonian Public Diplomacy

Any study effort that concentrates on process rather than the substance of the output of the parliamentary diplomatic process will probably conclude that open diplomacy seems to have more negative than positive impacts. Four seem particularly relevant to our concerns in modeling parliamentary diplomacy. First, openness reduces the number of available options for states and therefore promotes decision rigidity. Second, openness promotes the casting of issues into an ideological or theoretical mold. Third, openness promotes inefficiency in the use of time and resources. And, fourth, openness contributes to the problem of information overload for parliamentary diplomats.

Decision rigidity is a serious problem. When a representative of a state espouses his state's demands in public, he finds it difficult in later public or even private negotiations to accept an outcome that is substantially different from what was at first demanded and which ultimately must be accepted in public. He is therefore exposed to the attacks of those who would measure his performance from the public statement of his state's position. Negotiators become cautious about accepting policy options they may have rejected in public. Even though the reason for rejecting an option may have been tactical, and the option still has considerable utility to his country, a diplomat by accepting an initially rejected option leaves himself open to charges of bad faith, "selling out", or treason. Obviously, diplomats do reexamine and

do later accept rejected options, but very cautiously and slowly.

Open diplomacy puts a state's position on permanent public record. Because the record is permanent and a state does not wish future unintended consequences by having its earlier policies or preferences quoted against it, statements of policy preference are usually prepared with great care, at least by states large enough to have adequate staffs. This, too, tends to make preparers of U.N. speeches cautious in terms of policy alternatives they are willing to declare as acceptable.

Public diplomacy promotes the statement of issues in ideological or theoretical terms. If an issue is discussed in public the temptation is to win debating points. The language used is "hortatory language" whose purpose is to appeal for support.<sup>63</sup> The easy way to do this is to state the issues in a black-and-white fashion, to appeal to emotional arguments, or to invoke normative ideas and ideals. Such behavior elevates issues to the plane of principle in which one party tries to convince its opponents that to resolve the problem the opponents must accept an alien conceptual framework as the basis of settlement rather than promote a negotiation which incrementally tries to narrow the differences between the rival positions. Virtually all political bargaining involves a clash of two or more basically different approaches to the solution of a problem. If bargaining is thought of as a two-stage process

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<sup>63</sup>Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1967) p. 134.



with agenda setting or working toward agreement on the basic approach as the first stage, and an incremental narrowing of differences until agreement is reached as the second stage, much political bargaining can become encapsulated in the first stage where propaganda and moral self-satisfaction become their own rewards. While this is true of much of political bargaining in general, it is especially true of U.N. one-state/one-vote bargaining because the platform for making a case provides a temptation that is almost irresistible. The United Nations and U.N. conferences are full of ideological (and almost theological) quarrels. Too often this type of issue dominates multilateral negotiating agendas. Unfortunately, as Murray Edelman has pointed out, hortatory and bargaining language styles "are fundamentally different..."<sup>64</sup>

Public negotiation and debate also force inefficient use of available time and resources. Endless hours are devoted to public speeches and debate. Diplomatic personnel must prepare speeches for such debates. Every sovereign member of the system must be given the opportunity to record its position. It would consider a limitation on its right to make a speech or enter a debate an affront to its dignity. Negotiators must sit through hours of reiteration of known positions, be bored at long-winded rhetoric and not be able to devote themselves to more of the interactive activities that are the heart of their task. To be sure, sitting

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<sup>64</sup>Edelman, The Symbolic Uses of Politics, p. 146.

through speeches is a task for junior diplomatic personnel or the public members of a delegation, but it still works a real hardship, especially upon small delegations. Moreover, it does slow down the process and does make reaching decision difficult. In the ten-week Caracas session of the Law of the Sea Negotiations so much time was spent on general debate -- approximately one-half of the session -- that there was no possibility of working out an acceptable set of solutions to LOS problems at that session. At the follow-up Geneva session there was a concerted effort to limit the public debate.

The final impact of the voluminous record of public debate is that it contributes to "information overload." So much is said, so frequently, that parliamentary diplomats who hear it all cannot absorb, remember and put to systematic use all the information they have been presented. It is very difficult for them to distinguish "noise" from the important "signals," or to realize that in a situation of sovereign equality that they are receiving far more "signal" than "noise" than they might assume. Clearly, diplomats at major meetings need modern information processing assistance.<sup>65</sup>

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<sup>65</sup>Roberta Wohlstetter, Pearl Harbor: Warning and Decision (Stanford: Stanford University Press, 1962). How much and how accurate the information negotiators require has been discussed in the literature, but not with particular reference to parliamentary diplomacy. For a summary of this discussion see Sawyer and Guetzkow, "Bargaining and Negotiation in International Relations," pp. 496-498; also see Young, Bargaining, pp. 11-14; Joseph B. Kadane to Cameron R. Peterson, Personal Communication, 27 June 1975.

## INSTITUTIONALIZATION THROUGH A CONTINUING ORGANIZATION.

Parliamentary diplomacy occurs only within fora that have an institutional life and an institutional memory. A permanent organization is thought by many observers to be a necessary prerequisite for the development of parliamentary diplomacy. A permanent organization creates the continuity necessary for the development of parliamentary practices, allows negotiators to take advantage of an established communication system, creates the context in which deferred mutual compensation system can occur, and finally can provide the staff and machinery necessary to fulfill a heavy service requirement of a large, complex negotiation.<sup>66</sup>

### Parliamentary Organization

Parliamentary diplomacy is conducted within parliamentary type organizations. In the U.N. itself the acme of parliamentarianism is the General Assembly, in which each state is independently represented. Since not all of the Assembly's work can be conducted in plenary session, it has six permanent regular and one special political committees of the whole. Official working groups are also created. In addition, for making decisions concerning procedural and other flow-of-business type questions, Committees of Vice-Presidents or General Committees also have continuous existence. Leadership of each of these bodies and membership on

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<sup>66</sup>Chadwick F. Alger, "Interaction and Negotiation in a Committee of the United Nations General Assembly," p. 158; Sartori, "Will Democracy Kill Democracy," pp. 143-145.

those that are not bodies-of-the-whole are elected. The structure of large-scale multilateral conferences is based on the same parliamentary structural model.

#### The Struggle for Elective Office

The struggle to be on an important formal body or be elected to lead one of them is endemic to U.N. politics. Office is looked upon by delegates as highly desirable. It means prestige for the individual, his country, and/or his bloc. But more than that, it may mean that a delegate can use his office to give his country or bloc more leverage on the outcome of a problem than if he had not occupied an elective position. Neutrality toward the opposing positions, fairness to all sides as a requisite for elective office, seems to be less and less practiced by occupants of U.N. elective office --if the example of the Algerian Ambassador as Assembly President during the 29th General Assembly has become typical.

Election to office is important compensation for tradeoffs on substantive issues. It is a source of side-payments. Future promises of support for office can be the coin necessary to assure favorable votes on present issues. Sometimes a majority can deliberately allow a representative of a minority to gain office, even though it would have the votes to dictate otherwise. In some of these situations this is a form of deferential compensation. That is, the majority allows the minority's chairman in office to shape the document under negotiation on that subject to the minority's liking. The majority would then acquiesce in the chairman's work.



This is much less painful than if a majority chairman had to write a document that would win the support of a minority.

Unless a minority can win some victories, there are few reasons to remain in the organization, other than the assumption that the organization will continue and make more decisions without you, the reason the USSR, Republic of South Africa and Israel have remained in the U.N. during different periods of travail. As previously noted, a positive-sum type outcome (where the opposing parties both feel better off by the outcome) is desired by minorities. The only way organizations that still principally operate by some form of the majority principle can assure minorities some favorable outcomes is to set aside some compensations for them. Thus, in the U.N. system, while some elections are wide open, others set aside a certain number of seats to representatives of the regional groups -- WEO, Eastern Europe, Latin America, Africa and Asia. This forces a contest for office within the groups for positions on external bodies as well as for leadership of the regional group.

#### The Secretariat's Contribution to Decision-Making

National leadership provides services in fostering decision. But even broader are the leadership and services provided by the small professional bureaucracy employed by the U.N. -- the Secretariat. It manages the system on a year-round basis. Its management is indispensable to the operation of the U.N. system. The Secretariat produces the documents, the translations, manages the

meetings, provides other conference services, does research and analysis and gives advice to elected leaders of U.N. organs and assistance to any delegations that request it. This staff is often supplemented -- especially at conferences that deal with specialized subjects -- by representatives of the main functional U.N. bodies and other intergovernmental organizations that have status within the U.N. system. These functional organizations often provide expertise either by representatives on the spot or through written reports requested by the Assembly or conference.

While for the most part the members of the Secretariat come close to the ideal of disinterested service to all members of the system, they have been known to try to influence the outcome of decision for other than disinterested reasons. Generally speaking, there are three reasons for such influence attempts: First, pride in their preferred technical solution to a problem. In other words, they are protecting their interests as experts. Second, superior compensation in the decisions advised to the countries of which they are citizens. There has been a long history in international organizations, from at least the days of the League of Nations, of Secretariat members acting as agents of their countries.<sup>67</sup> Third, protection of the Secretariat's interests as an institution. If one solution of a number of potential solutions will enhance the

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<sup>67</sup> See Chapter 1 on the endemic problem of national versus international loyalty. Tien-Cheng Young, International Civil Service: Principles and problems, Brussels: International Institute of Administrative Sciences, n.d. pp. 19-31; Harold Guetzkow, Multiple Loyalties.

Secretariat's compensation or influence a future decision, it is likely they will advise positively on that choice.<sup>68</sup>

#### Institutional Memory and Deferred Compensation

Institutional memory also has an impact on how decisions are made. The continuity of leadership from one session to another, the long experience in working together, allows forms of deferred compensation because it builds up situations of trust between people. While U.N. negotiators are bargaining with each other and trying to get more for their interests than they give up in return, nevertheless, they have a professional interest in seeing that they do not so "do in" their fellow negotiators that the latter have an incentive to return the favor next time. Friendships across national delegations also develop to supplement the perceived professional interest. These affect the way in which decisions are made.<sup>69</sup> U.N. or conference representatives,

<sup>68</sup>We realize that our discussion of the Secretariat's role is inadequate. We are guilty of the same fault as studies of roll call voting and interaction in not "giving adequate attention to actors who are not representatives of states." We can only say in mitigation that the literature from which we might learn on this subject is not rich. Robert W. Cox and Harold K. Jacobson and others, The Anatomy of Influence Decision Making in International Organization (New Haven: Yale University Press, 1973), p. 465, fn. 9.

<sup>69</sup>Chadwick F. Alger, "Decision-Making Theory and Human Conflict," The Nature of Human Conflict (Englewood Cliffs, N.J.: Prentice-Hall, 1965) pp. 274-292; "Personal Contact in Inter-governmental Organizations," International Behavior: A Social-Psychological Analysis (New York: Holt, Rinehart, Winston, 1965), pp. 521-547; "Non-Resolution Consequences of the United Nations and their Effect on International Conflict," Journal of Conflict Resolution, 5:2 (June 1961), pp. 128-145; "United Nations Participation as a Learning Experience," Public Opinion Quarterly XXVII (1963, pp. 411-426.

or certain skill groups among them, work in concert, for example, to get their instructions changed to foster a positive-sum type rather than zero-sum type outcome. As we have seen, technically minded members from different delegations to a specialized negotiation, such as on telecommunications, have worked together to impose technically sound outputs upon their separate political masters. Often the Secretariat is the conduit for these transnational attempts at compensation. Personal friendship or trust is often the lubricant necessary for a successful negotiation.

#### TECHNICALLY COMPLEX SUBJECT MATTER

The subjects of modern multilateral negotiations span an enormous range and are incredibly complicated. Even in the mostly politically oriented General Assembly, the technical range of subjects dealt with is staggering. When a large-scale multilateral conference is convened, it is assumed that the matters to be dealt with will be dealt with in detail. A prodigious amount of knowledge and expertise is required of delegates and their advisors. For example, in the Law of the Sea negotiations the negotiators to be effective should have some knowledge of ocean law, including admiralty, ocean-use patterns such as the patterns of ocean-borne world trade, ocean economics, and who has what ocean comparative advantage, ocean science including biological oceanography, geology and metalogenesis, ocean geography not only of borders and zones but bathymetry, ocean military uses



and strategy, and ocean-related business practices as well as knowledge of the general political environment and their own country's general as well as ocean interests.

#### Technical Complexity and the Group of 77

Because we have few alternate mechanisms for negotiating problems with universal impacts, conference diplomacy is being used or is likely to be used on problems such as ocean allocation and management, resource allocation problems generally, energy uses, food, health, commodity control, development and aid to developing countries, outer space, the future of the Arctic and Antarctica, and arms control. It should be anticipated that at least until there is a significant change in the social, political and economic developments of many of the Group of 77, a fundamental pattern that is already discernible in the three Law of the Sea conferences will affect future conferences (and General Assemblies). This pattern is the inability of most Group of 77 members to deal with matters of technical complexity in a manner demanded by the technical complexity of such subject matter. Lacking in expertise and resources to devote to negotiating such problems, LDC negotiators will tend to be generalists, and will try to politicize virtually all problems. They will show a mistrust for technical expertise, and will often try to apply technically inadequate solutions. They will also tend to promote political compromise by use of deliberately fuzzy and non-operational language. The above description should not be construed as an attack on the operational code of Developing

States parliamentary diplomats. Indeed, it can be argued that their pattern of operation is a rational response to the assets with which they have to work. Given what they have, these diplomats are optimizing.

But while normative judgments should not be made, those who would evaluate how parliamentary diplomacy works should recognize that there is likely to be a clash of operational styles in the future. Developed countries have the expertise and like to rely upon it. They often seek technically elegant solutions and are often disappointed when they are not achieved in U.N. fora.<sup>70</sup>

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<sup>70</sup>Robert L. Friedheim, "The 'Satisfied' and 'Dissatisfied' States Negotiate International Law: A Case Study," World Politics XVIII:1 (October 1965), pp. 20-41; Robert L. Friedheim, "A Law of the Sea Conference - Who Needs It?", International Relations and the Future of Ocean Space, R. G. Wirsing (ed.) Columbia: University of South Carolina Press, 1974, p. 63; N.G. Onuf and Robert O. Slater, "Law-Experts and the Making of Formal Ocean Policies," paper delivered at APSA Convention, August 1974.

## CONCLUSIONS

A description of the attributes of large-scale multilateral negotiations is of value by itself because, as far as we know, there are no other comprehensive descriptions available in the literature. But we are interested in going beyond description. For us, description is the basis for modeling how the system works so that we can forecast the options and alternatives available to the interested parties in an ongoing negotiation, and, if they come to decisions, forecast the results of those decisions. We must move from the descriptions of attributes to more precise statements of relationships. That is not particularly easy because the "attributes" that we have discussed are quite varied in theoretical and empirical content. Therefore we feel that three conclusions are justified as a result of our survey:

1. Empirical and theoretical knowledge is sufficiently well developed overall to model the most elementary features of large-scale multilateral bargaining processes.
2. Empirical knowledge of multilateral bargaining processes is better developed than theories which would explain causality or demonstrate linkages in the multilateral bargaining process.
3. Before a fully adequate, rigorous, and complete model of the multilateral bargaining process can be created there must be considerable work done in improving the conceptual

framework into which we organize present knowledge and through which we search for new knowledge.



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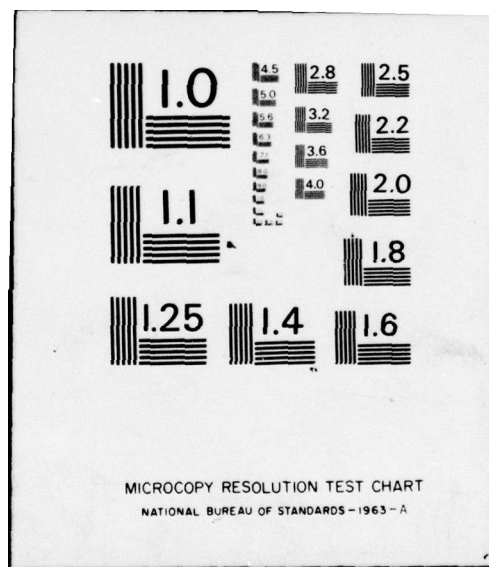
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